

Date

Alidore Leon Marmande
P.O. Box 1905
Houma, LA 70360

Re: Ethics Board Docket No. 2016-284

Dear Mr. Marmande:

The Louisiana Board of Ethics, at its May 20, 2016 meeting, considered your request for an advisory opinion as to whether you, as a member of the Terrebonne Parish Council, may do business with the Terrebonne Levee and Conservation District ("Levee District") and Terrebonne Parish Consolidated Government ("TPCG"). You stated that you currently own fifty percent of Lake Faustina, LLC, a company that owns property that is available for the sale of borrow/dirt. You also stated that the Levee District may be interested in purchasing borrow from Lake Faustina, LLC for coastal restoration projects. Finally, you stated that TPCG occasionally enters into cooperative agreements with the Levee District to carry out joint projects which require the purchase of borrow/dirt. You provided information that the Levee District is a political subdivision of the state of Louisiana whose board members are appointed by the Governor. The Levee District receives local sales tax to fund the Morganza hurricane levee system in Terrebonne Parish. The dedicated sales taxes are collected by TPCG and are distributed to the Levee District.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Lake Faustina, LLC from selling borrow/dirt to the Levee District for projects in which TPCG is not involved while you serve as a member of the Terrebonne Parish Council. La. R.S. 42:1113A(1)(a) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. La. R.S. 42:1102(8) defines "controlling interest" as any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity. The Levee District is considered a separate agency from TPCG. Therefore, Lake Faustina, LLC would not be prohibited from selling borrow/dirt to the Levee District. However, because you own more than twenty-five percent of Lake Faustina, LLC, it is prohibited from entering into transactions involving TPCG while you serve as a member of the Terrebonne Parish Council.

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

Jennifer T. Land
For the Board

DRAFT

**THIS IS NOT AN OPINION OF THE
BOARD OF ETHICS**