FILED
STATE OF LOUISIANA
JUL 19 2013
DIVISION OF ADMINSTRATIVE LAW

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

LOUISIANA BOARD OF ETHICS	*	
	*	**DOCKET NO.**
IN THE MATTER OF	*	
MICHAEL LOUPE AND INTERCOASTAL REDI-MIX, LLC	*	**AGENCY TRACKING NO. 2012-880**

CHARGES

The Louisiana Board of Ethics voted on July 18, 2013 to and does hereby file the following charges:

1.

Michael Loupe has served as the Director of Public Works for Morgan City since September 9, 2002. The Director of Public Works serves as the head of that agency and supervises all contract construction work, issues, enforces building permits and functions as staff for the planning and zoning commission.

2.

Intercoastal Redi-Mix, LLC is owned by Michael Loupe, his spouse, Mary O. Loupe, and Mr. Loupe's two sons, Josh and Nicholas Loupe. As such, Michael Loupe has a "controlling interest" in Intercoastal Redi-Mix, LLC, as the term is defined in La. R.S. 42:1102(8).

3.

Southern Constructors, LLC was contracted to repair roads for the City of Morgan City during 2012. Intercoastal Redi-Mix, LLC subcontracted with Southern Constructors, LLC from January 19, 2012 and continuing until November 14, 2012, to provide Southern Constructors, LLC with concrete to be used on the City project. Intercoastal Redi-Mix, LLC was paid a total of $159,846.51 by Southern Constructors, LLC for the services provided on the City project.

4.

Larry Doiron, Inc., was contracted to repair roads for the City of Morgan City during 2012. Intercoastal Redi-Mix, LLC subcontracted with Southern Constructors, LLC from October 16, 2012, 2012 and continuing until December 20, 2012, to provide Larry Doiron, Inc., with concrete to be used on the City project. Intercoastal Redi-Mix, LLC was paid a total of $100,052.51 by Larry Doiron, Inc., for the services provided on the City project.

5.

While serving as the Director of Public Works for the City of Morgan City, Mr. Loupe received a thing of economic value, in the form of payments, for services provided to or for Southern Constructors, LLC, at a time when Southern Constructors, LLC, had or sought to have a contractual, business or financial relationship with Mr. Loupe's agency, during 2012.

6.

Intercoastal Redi-Mix, LLC, a company in which Mr. Loupe owned a controlling interest, received a thing of economic value, in the form of payments, for services provided to or for Southern Constructors, LLC, at a time when Southern Constructors, LLC, had or sought to have a contractual, business or financial relationship with Mr. Loupe's agency, during 2012.

7.

While serving as the Director of Public Works for the City of Morgan City, Mr. Loupe received a thing of economic value, in the form of payments, for services provided to or for Larry Doiron, Inc., at a time when Larry Doiron, Inc., had or sought to have a contractual, business or financial relationship with Mr. Loupe's agency, during 2012.

8.

Intercoastal Redi-Mix, LLC, a company in which Mr. Loupe owned a controlling interest, received a thing of economic value, in the form of payments, for services provided to or for Larry Doiron, Inc., at a time when Larry Doiron, Inc., had or sought to have a contractual, business or financial relationship with Mr. Loupe's agency, during 2012.

9.

La. R.S. 42:1113A provides that no public servant, member of his immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such public servant.

10.

Based on the foregoing facts, Michael Loupe, violated La. R.S. 42:1113A by virtue of his entering into a subcontract which was under the supervision or jurisdiction of his agency, assisting Morgan City with the provision of road repair services, at a time when he served as the Director of Public Works for City of Morgan City.

11.

Based on the foregoing facts, Michael Loupe, violated La. R.S. 42:1113A by virtue of his entering into a subcontract under the supervision or jurisdiction of his agency, through his construction company, Intercoastal Redi-Mix, LLC, at a time when he was employed as the Director of Public Works for the City of Morgan City, and he, along with his spouse and sons owned a controlling interest in Intercoastal Redi-Mix, LLC.

12.

Based on the foregoing facts, Intercoastal Redi-Mix, LLC, violated La. R.S. 42:1113A by virtue of it entering into subcontracts which were under the supervision or jurisdiction of Michael Loupe's agency, at a time when Michael Loupe served as the Director of Public Works for the City of Morgan City, and Intercoastal Redi-Mix, LLC was owned by Michael Loupe, his spouse and sons.

13.

La. R.S. 42:1111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person from whom such public servant would be prohibited by R.S. 42:1115(A)(1) or (B) from receiving a gift.

14.

Based on the foregoing facts, Michael Loupe, violated La. R.S. 42:1111C(2)(d) by virtue of his receipt of a thing of economic value for or in consideration of services rendered or to be rendered to or for Southern Constructors, LLC, at a time when Southern Constructors, LLC, had or sought a contractual, business, or financial relationship with Mr. Loupe's agency.

15.

Based on the foregoing facts, Michael Loupe, violated La. R.S. 42:1111C(2)(d) by virtue of his receipt of a thing of economic value for or in consideration of services rendered or to be rendered to or for Larry Doiron, Inc., at a time when Larry Doiron, Inc., had or sought a contractual, business, or financial relationship with Mr. Loupe's agency.

16.

Based on the foregoing facts, Intercoastal Redi-Mix, LLC, violated La. R.S. 42:1111C(2)(d) by virtue of its receipt of a thing of economic value for or in consideration of services rendered or to be rendered to or for Southern Constructors, LLC, at a time when Southern Constructors, LLC, had or sought a contractual, business, or financial relationship with Mr. Loupe's agency, and at a time when Intercoastal Redi-Mix, LLC was owned by Michael Loupe, his spouse and sons.

17.

Based on the foregoing facts, Intercoastal Redi-Mix, LLC, violated La. R.S. 42:1111C(2)(d) by virtue of its receipt of a thing of economic value for or in consideration of services rendered or to be rendered to or for Larry Doiron, Inc., at a time when Larry Doiron, Inc., had or sought a contractual, business, or financial relationship with Mr. Loupe's agency, and at a time when Intercoastal Redi-Mix, LLC was owned by Michael Loupe, his spouse and sons.

18.

In accordance with La. R.S. 42:1141C (3)(b)(iv), the Board designates, Michael Dupree and Jennifer Land as the Board's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics requests that the Ethics Adjudicatory Board (a) conduct a hearing on the foregoing charges; (b) determine that Michael Loupe and Intercoastal Redi-Mix, LLC violated La. R.S. 42:1113A and La. R.S. 42:1111C(2)(d), with respect to the foregoing counts; and © assess an appropriate penalty in accordance with the recommendation of the Louisiana Board of Ethics to be submitted at the hearing.

[SIGNATURE AND SERVICE INFORMATION ON THE FOLLOWING PAGE]

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CERTIFICATE:

I hereby certify that a copy of this document has been forwarded to the Respondent or his Counsel of Record by registered/certified mail on this 19 day of July, 2013.

Michael Dupree
Trial Attorney