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September 23, 2020

**VIA FACSIMILE 225-381-7271**Kathleen Allen  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

Re: Request for Advisory Opinion

Dear Ms. Allen:

John DeRosier, through undersigned counsel, respectfully requests an Advisory Opinion regarding the application of the Campaign Finance Disclosure Act, based on the following facts:

**I. Background Facts**

In February and March 2020, John DeRosier's Campaign sold tickets for \$100 per couple to a crawfish boil that was scheduled for April 24, 2020. At that time John DeRosier was seeking re-election to the office of the District Attorney for Calcasieu Parish. On March 24, 2020, the DeRosier Campaign announced that the crawfish boil had to be rescheduled due to the coronavirus pandemic.

On May 14, 2020, John DeRosier announced that he would not seek re-election.

**II. Request for Advisory Opinion**

**QUESTION PRESENTED:** Can District Attorney John DeRosier reimburse contributions received in the form of tickets purchased for a fundraising event that was indefinitely postponed due to the COVID 19 outbreak without violating any provisions of the Campaign Finance Disclosure Act?

**III. Applicable Law**

La. R.S. 18:1505.2I states: On and after January 1, 1991, contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign, the holding of a public office or party position, or, in the case of a political committee, other than a candidate's principal campaign committee or subsidiary committee, the



administrative costs or operating expenses of the political committee; except that excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution as provided in 26 USC 170(c), given to a charitable organization as defined in 26 USC 501(c)(3), expended in support of or in opposition to a proposition, political party, or candidacy of any person, or maintained in a segregated fund for use in future political campaigns or activity related to preparing for future candidacy to elective office. However, the use of campaign funds of a candidate or his principal or subsidiary committees to reimburse a candidate for expenses related to his political campaign or his holding of a public office or party position shall not be considered personal use by the candidate. If a candidate is required by state or federal law to pay taxes on the interest earned by campaign funds of the candidate or any political committee of the candidate, the candidate may use the interest on which such tax is paid for such purpose. A payment from campaign funds shall not be considered as having been spent for personal use when the funds are used to replace articles lost, stolen, or damaged in connection with the campaign.

#### IV. Application of the Law to the Facts

La. R.S. 18:1505.2I provides that contributions received by a candidate or a political committee may be expended for any lawful purpose. La. R.S. 18:1505.2I further provides that excess campaign funds may be returned to contributors on a pro rata basis. Because the tickets were sold in advance to cover the cost of an event that never occurred and the campaign received funds to cover expenditures in connection with the event that were never incurred, the purchase price of the tickets can be refunded to each individual contributor. The payments received by the campaign are not excess campaign funds and thus the DeRosier Campaign is not limited from refunding to each purchaser the full purchase price of the tickets sold to the March 24, 2020 Crawfish Boil.

#### V. Conclusion

Based on the above facts, we respectfully request that the Ethics Board issue an advisory opinion that The DeRosier Campaign Fund is permitted to fully reimburse each person who purchased a \$100 ticket for the March 24, 2020 Crawfish Boil.

Yours truly,

  
Alesia M. Ardoin





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