

Date

Michelle L. Ludwigsen, MSW, LMSW
42173 Jasper Lane
Ponchatoula, La 70454

Re: Board Docket No. 2020-619

Dear Ms. Ludwigsen:

The Louisiana Board of Ethics, at its November 6, 2020 meeting, considered your request for an advisory opinion regarding whether the post-employment restrictions in the Code of Governmental Ethics (“Code”) would prohibit you from rendering services to certain clients following your employment as a Parenting Coordinator with the 22nd Judicial District Court (“JDC”) Family Court – Division K.

FACTS PROVIDED

You were employed with the 22nd JDC Family Court in St. Tammany Parish for three years as the Parenting Coordinator assigned to Division K. You provided parenting coordination services to parties either through consent of the parties, through a recommendation of the hearing officer, or through a court order from the Judge for the parties to participate in parenting coordination. You state that in June of 2020, you were notified that the 22nd JDC would eliminate all parenting coordination services effective September 21, 2020. As a result of this decision, your position ended on September 18, 2020.

According to Amber Mitchell, 22nd JDC Deputy Court Administrator, after informing you of the decision to end parenting coordination services, the 22nd JDC made the decision to maintain a fulltime mental health professional on staff to provide parenting coordination services.

As a result of the decision of the 22nd JDC, you seek guidance regarding multiple scenarios as to whether you can provide parenting coordination services in a private capacity.

LAW

La. R.S. 42:1121B(1) provides that no former public employee shall, for a period of two years following termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental

entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to for, or on behalf of the agency with which he was formerly employed.

SCENARIO 1: FORMER CLIENTS

You ask whether you are allowed to provide parenting coordination services, for compensation, to previous clients to whom you provided those same services through a court order in your capacity as the Parenting Coordinator with the 22nd JDC Family Court. These services would be on a voluntary basis and would require the consent of both parties. A list of other providers in the community would be provided to the parties. These parties would not require a court order to obtain your services.

The Board concluded, and instructed me to inform you, that Section 1121B(1) would prohibit you from assisting, for compensation, former clients who voluntarily seek your services, since you participated in those specific transactions during your employment with the 22nd JDC Family Court – Division K.

SCENARIO 2: NEW REFERRALS FROM 22ND JDC

You ask whether you are allowed to provide parenting coordination services for compensation as a result of new referrals or appointments directly from the 22nd JDC Family Court via a court order. You state that this scenario would be for clients to whom you have not previously provided services.

The Board concluded, and instructed me to inform you, that Section 1121B(1) would prohibit you from rendering parenting coordination services to new clients on a contractual basis through an Order of the 22nd JDC Family Court – Division K, since you previously rendered those same services and the services would be on behalf of your former agency, the 22nd JDC Family Court – Division K. However, Section 1121B(1) would not prohibit you from rendering parenting coordination services to new clients on a contractual basis through a Judicial Order from one of the other Judges in the 22nd JDC since you only rendered services in Division K.

SCENARIO 3: NEW REFERRALS FROM PRIVATE PARTIES

You ask whether you are allowed to provide parenting coordination services for compensation to new clients who are referred to you through their legal counsel or new clients who voluntarily choose your services without a court order.

The Board concluded, and instructed me to inform you, that Section 1121B would not prohibit you from providing parenting coordination services to new clients who are referred to you through their legal counsel or voluntarily choose your services. Under this scenario, you would not be participating in a matter in which you participated while employed by the 22nd JDC Family Court and you would not be rendering services to, for, or on behalf of your former agency.

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 Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.