

David Bordelon

From: Suzanne Mooney
Sent: Tuesday, October 20, 2020 11:56 AM
To: David Bordelon
Subject: Fwd: Ethics Advisory Opinion 2020-619 MOVED to NOVEMBER 6, 2020

Sent from my iPhone

Begin forwarded message:

From: Suzanne Mooney <Suzanne.Mooney@LA.GOV>
Date: October 7, 2020 at 2:02:00 PM CDT
To: Amber Mitchell <amitchell@stpgov.org>
Subject: RE: Ethics Advisory Opinion 2020-619 MOVED to NOVEMBER 6, 2020

Thank you.

Sue Mooney

Staff Attorney
The Louisiana Board of Ethics
LaSalle Building – 10th Floor
617 N. Third Street
Baton Rouge, Louisiana 70802
website: www.ethics.la.gov | e-mail: Suzanne.Mooney@La.Gov
Office: (225) 219-5600 Toll Free: (800) 842-6630 Fax: (225) 381-7271

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From: Amber Mitchell <amitchell@stpgov.org>
Sent: Friday, October 2, 2020 5:57 PM
To: Suzanne Mooney <Suzanne.Mooney@LA.GOV>

Cc: LaToya Jordan <LaToya.Jordan@LA.GOV>

Subject: RE: Ethics Advisory Opinion 2020-619 MOVED to NOVEMBER 6, 2020

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Just recently, the Court made the decision to maintain a fulltime mental health professional on staff who provides parenting coordination services.

From: Suzanne Mooney [<mailto:Suzanne.Mooney@LA.GOV>]

Sent: Thursday, October 01, 2020 11:42 AM

To: Amber Mitchell <amitchell@stpgov.org>

Cc: LaToya Jordan <LaToya.Jordan@LA.GOV>

Subject: RE: Ethics Advisory Opinion 2020-619 MOVED to NOVEMBER 6, 2020

No problem,

Thank you

Sue Mooney

Staff Attorney

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From: Amber Mitchell <amitchell@stpgov.org>

Sent: Tuesday, September 29, 2020 8:09 PM

To: Suzanne Mooney <Suzanne.Mooney@LA.GOV>

Cc: LaToya Jordan <LaToya.Jordan@LA.GOV>

Subject: RE: Ethics Advisory Opinion 2020-619 MOVED to NOVEMBER 6, 2020

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear Ms. Mooney:

Let me get back to you on this in the next couple days.
Sorry for the delay,
Amber Mitchell

From: Suzanne Mooney [<mailto:Suzanne.Mooney@LA.GOV>]
Sent: Tuesday, September 29, 2020 1:17 PM
To: Amber Mitchell <amitchell@stpgov.org>
Cc: LaToya Jordan <LaToya.Jordan@LA.GOV>
Subject: Ethics Advisory Opinion 2020-619 MOVED to NOVEMBER 6, 2020

Dear Ms. Mitchell,

I know you spoke to Ms. Jordan from our office regarding an advisory opinion request from Michelle Ludwigsen. Moved to November 6, 2020 Board meeting. She has written the Board and requested an opinion regarding post-employment restrictions. I really need to confirm certain facts in order to proceed.

The facts as given to me were :

You provided that you have been employed with 22nd JDC (St. Tammany Parish) for 3 years as the Parenting Coordinator assigned to one of two family court divisions. In June of 2020 you were informed that the 22nd JDC will terminate the provision of parenting coordination services . As such you were provided notice that your position will end September 18, 2020. Effective September 21, 2020 the 22nd JDC will no longer offer or provide parenting coordinating services.

However, it is my understanding that the Court may have reconsidered whether they were going to eliminate all parenting coordinators. This information is critical as the Ethics Board has prior opinion where if an entire agency is terminated and no longer exist the public servant is no longer subject t to the post –employment restrictions. However, if the agency still exist and the public servant was not an agency head then **La. R.S. 42:1121 B(1)** applies.

The law on post-employment is:

La. R.S. 42:1121 B(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.

Ms. Ludwigsen asked the following questions:

1. Is she allowed, immediately following her termination date, to provide parent coordination services to clients privately and for profit, with whom she was formerly providing the same service through her employment with 22nd JDC, provided that 22nd JDC will no longer provide such service.

2. Is she allowed, immediately following her termination date, to accept new referrals or appointments from 22nd JDC.
3. Is She allowed, immediately following her termination date, to provide parent coordination services to new clients.

Under the facts presented in particular whether her agency, no longer exist, would make the difference in the answer to number 1.

- 1) Because if her agency no longer exist she cannot be contracting with her former agency. However, if the 22nd JDC is still providing parent coordinating services and has just laid off a single position or terminated one person 1121B would prohibit that terminated employee from immediately rendering compensated services to her current clients.
- 2) 1121B would not prohibit her from immediately rendering services on new referrals as did not participated at any time during her public employment. Or
- 3) 1121B would not prohibit her from immediately rendering parent coordination services to new clients.

Therefore, can you confirm if the 22nd JDC will still employ any person to provide parenting coordination services even if it is a part time position. Additionally, if you have a flow chart of employees it would be helpful. Thank you in advance for your cooperation. If you anve any questions please do not hesitate to contact me at (225)219-5601 or this e-mail.

Sincerely,

Suzanne Q. Mooney

Staff Attorney

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