

Wednesday, October 21, 2020

Doreen O. Brasseaux
President and CEO
The American Council of Engineering
Companies of Louisiana
Burton Business Center, Room 439
Box 91989
Lake Charles, Louisiana 70609

**Re: Louisiana Board of Ethics
Docket No. 2020-632**

Dear President Brasseaux:

The Louisiana Board of Ethics ("Board"), at its November 6, 2020 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit public servants from accepting an invitation from the American Council of Engineering Companies of Louisiana ("ACECL") to attend the Excellence Awards banquet and receiving their award.

FACTS PROVIDED

The ACECL is a not-for-profit organization based in Louisiana advancing the business of engineering. ACECL is conducting an Engineering Excellence Awards program to recognize engineering projects from around the state that demonstrate a high degree of achievement, value and ingenuity. Projects are selected by an independent panel of private and public sector judges. The ACECL anticipates that several public projects will be selected for awards.

The award presented at the Engineering Excellence Awards program is a basic acrylic plaque, which is presented to the agency or the engineering firm only (not the individual engineer). ACECL plans to invite those named public servants honored in the program to attend and accept the award on behalf of the agency - for the winning project(s) at a banquet dinner hosted by ACECL. The cost to attend the Engineering Excellence Awards program will be waived for the public servants.

LAW

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer,

director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a contractual, business or financial relationship with the public servant's agency.

La. R.S. 42:1115(A)(2) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

La. R.S. 42:1123(13)(a)(i) allows for the acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is: (aa) A program honoree; (bb) Giving a speech at the event; (cc) A panel member for a discussion occurring at the event; or, (dd) Attending the event to assist an elected official who meets the provisions of this Item when the public servant is under the supervision or the elected official and such assistance is within the ordinary employment duties of the public servant.

CONCLUSION

The Board concluded, and instructed me to inform you that based on the facts presented, La. R.S. 42:1115 generally prohibits a public servant from soliciting or accepting a thing of economic value from persons that have or are seeking to have a business, financial, or contractual relationship with their public agency; persons regulated by their agency; and, persons that have substantial economic interests which can be substantially affected by the performance or nonperformance of the employee's official duty. However, La. R.S. 42:1123(13)(a)(i)(aa) allows for the acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is a program honoree. Here, the public servant is present at the event as a representative of the agency that is the recipient of the award. Accordingly, the public servant would not be prohibited from accepting complimentary admission to the banquet in order to accept an award on his agency's behalf.

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

LaToya D. Jordan
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.