

DISCLOSURE DIVISION

☒ WAIVER REQUEST
☐ ANSWER
☐ RECONSIDERATION REQUEST
☐ UNTIMELY

DATE: 9/18/2020

DOCKET #: 2020-767

Ashley Wimberley, Director
Disclosure Division

FILER INFORMATION

Name: Ms. Ashley M. Spears
Address: 4135 Piedmont Dr., New Orleans, LA 70122
Office/Position: New Beginnings Charter School / New Orleans / Orleans
Dates of Service: 2014-2018
Number of Disclosures and/or Amendments Filed with Agency: 6

REPORT INFORMATION

Name of Report: Tier 3 Annual Personal Financial Disclosure covering calendar year 2018
Report ID: PFD19010970
Original Due Date: 5/15/2019
NOD Received: 7/27/2019 - Signed by: Ashley Spears
PFD/Answer Due Date based on NOD: 8/6/2019
PFD/Answer Filed: 9/19/2019

LATE FEE INFORMATION

Amount of Late Fee: \$1500
Days late from receipt of NOD: 44
Total days late from initial due date: 127
Late Fee Order Received: 8/10/2020
Payment/Waiver Request Due Date: 8/29/2020
Waiver Request Received: 8/10/2020

COMMENTS:

Ashley Spears is requesting a Waiver for the late filing of her 2018 PFD Statement. Ms. Spears stated she called the BOE regarding her late fee assessment and was informed the NOD was signed and the letters "A" and "P" resembled her signature; also that the first Late Fee letter was returned to our agency by the post office. She has been living at her residence since 2015 and has received all other certified letters sent to her address by others. The fact that the mail was returned cannot be attributed to her failure to act, as she did not receive our NOD from the post office. She quoted LA R.S. 42:1124.4(A)(I) states that "the board shall notify the person of such failure, omission, or inaccuracy by sending him by certified mail or service of process a notice of delinquency immediately upon discovery of the failure, omission, or inaccuracy". However, since she did not receive the notice as it was returned to sender, she is asking that the Ethics Board waive her late fee assessment. After receiving a copy of the NOD issued July 2019 and a copy of the signed NOD Green Card, Ms. Spears said she had never received the NOD, nor did she sign for the NOD when it was issued. The NOD was signed by postal worker and left it in her mailbox. While she understands the issue here is timeliness of the filing, she is asking for the waiver as there was no intent to not file or conceal her financial information. She hopes the Ethics Board would take the issues with the certified mail. This has never happened before and she can guarantee that should she be required to file disclosures in the future, this will not happen again.

*Only one NOD was issued on 7/8/2019 and never returned. The Late Fee Order issued 10/2/2019 was the only letter returned by the Post Office on 1/9/2020.

Signature on NOD looks
like signature on 2015 NOD -
Amend sent to same
address.

OTHER LATE FEE INFORMATION

Disclosure Statements:

- Other Outstanding Statements: No
- Other Outstanding Late Fees: No
- Prior Late Fees: No
- Reassessed Late Fees: No

Campaign Finance:

- Outstanding Late Fees: No
- Prior Late Fees: No

Ashley M. Spears
4135 Piedmont Drive
New Orleans, LA 70122

August 10, 2020

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

RE: Waiver Request – Late Fee Assessment – Report PFD19010970

Dear Louisiana Board of Ethics,

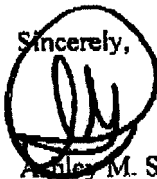
On July 30, 2020, I received a letter and an order assessing a late fee for failure to timely file the Tier 3 Financial Disclosure for calendar year 2018. For the following reason(s), I am requesting a waiver of the fine:

Upon receipt of the aforementioned letter, I called the Board of Ethics and was advised that two letters were sent to my home in 2019 advising me that my 2018 statement was late; however, a representative at the Board of Ethics noted that the May 2019 letter was "returned to sender and undeliverable" and the July 2019 letter had what appeared to be my signature based on an 's' and a 'p' in the signature. I have been in my residence since 2015 and have received every piece of certified mail sent to my house by other senders. The fact that the mail was returned cannot be attributed to my failure to act; I simply did not receive a delinquency notice from the post office. Louisiana Revised Statute 42:1124.4(A)(1) states that "the board shall notify the person of such failure, omission, or inaccuracy by sending him by certified mail or service of process a notice of delinquency immediately upon discovery of the failure, omission, or inaccuracy". However, since I did not receive the notice as it was returned to sender, I am asking that the Board waive the late fee assessment.

Also, I have not seen the July 2019 letter that was allegedly signed for (the representative from the Board of Ethics was gracious enough to mail me a copy but I have not received it at the time of the mailing of this letter) but I would like to note that the July 30, 2020 letter assessing the late fee was certified mail that was not signed for by me. A postal worker signed for it and left it in my mailbox. While I understand the issue here is timeliness of the filing, I am asking for a waiver as there was no intent to not file and I hope that the Board would take the issues with the certified mail into consideration.

I filed the 2018 and 2019 disclosures in September 2019 and received this notice almost a year later with no other communication from the Board. I have timely filed every disclosure required during my tenure on the charter school board. My statements were consistent as my information had not changed much during my term and I did not deliberately fail to file my disclosure statements. There was no ill intent nor an intent to conceal my financial information. This has never happened before and I can guarantee that should I be required to file disclosures in the future, this will not happen again. Thank you for your time and considering my waiver request.

Sincerely,



Ashley M. Spears