

Date

Mr. W. Beau Black
102 Oak Park Court
Belle Chase, Louisiana 70037

Re: Ethics Board Docket No. 2021-264

Dear Mr. Black:

The Louisiana Board of Ethics, at its May 7, 2021 meeting, considered your request for an advisory opinion regarding the application of La. R.S. 47:9072A to you as a member of the Louisiana Lottery Corporation Board of Directors while you also serve as an elected member of the Plaquemines Parish Council and an ex-officio member of the Plaquemines Parish Port, Harbor and Terminal District.

FACTS PROVIDED

You stated that you serve as an elected member of the Plaquemines Parish Council and, as a member of the Plaquemines Council, as an ex-officio member of the Plaquemines Parish Port, Harbor and Terminal District. You stated that you were recently elected to the Louisiana Lottery Corporation and your appointment is subject to Senate Confirmation during the current legislative session scheduled to conclude on June 10, 2021. In regards to your appointment to the Louisiana Lottery Board, you seek guidance on the application of LA. R.S. 47:9072A, and in particular, ask the following questions:

- (1) As a council member, you participate in the legislative and budgetary functions of the parish government. This includes voting on motions to place propositions on the ballot for a vote of the general public. Do the provisions of La. R.S. 47:9072A restrict your ability to perform your duties a council member?
- (2) As a council member, you attend various functions of other elected officials to develop relationships that are beneficial in helping you perform your duties. Do the provisions of La. R.S. 47:9072A restrict your ability to attend such functions?
- (3) As a council member, you attend various fundraiser events. Do the provisions of La. R.S. 47:9072A prohibit you from attending such functions and making contributions to other candidates?
- (4) Do the provisions of La. R.S. 47:9072A prohibit you from being a candidate for public office or soliciting campaign contributions?

LAWS

La. R.S. 42:9072A states the [Lottery] corporation, members of the board of directors, officers of the corporation, and any vendor of computer services to the corporation shall not directly or indirectly organize, participate in, contribute to, endorse, campaign for or against, support, or oppose any proposition, political action committee, elected official, or candidate for public office, or ask or solicit another person to do any of those acts.

CONCLUSION

The Board concluded, and addressed each of your specific questions as follows:

- (1) As a council member, you participate in the legislative and budgetary functions of the parish government. This includes voting on motions to place propositions on the ballot for a vote of the general public. Do the provisions of La. R.S. 47:9072A restrict your ability to perform your duties as a council member?

The Board concluded, and instructed me to inform you, that La. R.S. 47:9072A would not prohibit you, in your capacity as an elected member of the Plaquemines Parish Council, from voting on motions to place propositions on the ballot for a vote of the general public. However, the Board would caution you against making comments as a councilman that would urge support or opposition for a proposition.

- (2) As a council member, you attend various functions of other elected officials to develop relationships that are beneficial in helping you perform your duties. Do the provisions of La. R.S. 47:9072A restrict your ability to attend such functions?

The Board concluded, and instructed me to inform you, that La. R.S. 47:9072A would not prohibit you, while serving as a member of the Lottery Corporation Board of Directors, from attending functions of other elected officials, as long as the purpose of the function is not to contribute to, endorse, support, or oppose an elected official's campaign.

- (3) As a council member, you attend various fundraiser events. Do the provisions of La. R.S. 47:9072A prohibit you from attending such functions and making contributions to other candidates?

The Board concluded, and instructed me to inform you, that La. R.S. 47:9072A would prohibit you from attending fundraiser functions and contributing to candidates.

- (4) Do the provisions of La. R.S. 47:9072A prohibit you from being a candidate for public office or soliciting campaign contributions?

The Board concluded, and instructed me to inform you, that La. R.S. 47:9072A would not prohibit you from being a candidate for public office or soliciting campaign contributions on your behalf.

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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 Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
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.