DATE

Jared Green
1201 Tupelo Street
New Orleans, Louisiana 70117

Re: **Louisiana Board of Ethics**
Docket No. 2021-367

Dear Mr. Green,

The Louisiana Board of Ethics, at its meeting on July 9, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit you from participating in a child literacy campaign while employed by the City of New Orleans.

FACTS PROVIDED

In 2019, you wrote a book titled "Madam Mayor," which is a creative story involving the Mayor of New Orleans. Your goal is to distribute 13,000 copies of the book to students in primary schools for free as part of a larger child literacy project. You are currently in the process of raising funds to print the books. You intend to solicit donations to a non-profit organization, BAMM Cares, which will handle the payment for the printing of the books. Your book will also be available for sale on-line.

You were recently hired by the City of New Orleans in the Office of Neighborhood Engagement as a Neighborhood Liaison for District E, which covers the Lower 9th Ward. The Office of Neighborhood Engagement operates programs that promote local participation in government decision-making, such as a Civic Leadership Academy, Coffee on Your Corner, Neighborhood Leaders' Roundtable, and a Police Community Advisory Board. However, the Office of Neighborhood Engagement does not have any involvement with the child literacy project in which you intend to participate.

You intend to take a leave of absence from your employment in order to participate in the child literacy program. The Office of Neighborhood Engagement will not be involved in any way with the books and will not be purchasing or distributing any of the books.

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

DISTRIBUTION OF BOOKS

You ask whether the Code will prohibit you from distributing the books to children in New Orleans for free.

The Board concluded, and instructed me to inform you, that the Code will not prohibit you from participating in the child literacy program or from donating the books to children in New Orleans.

BOOK SALES

You ask whether the Code will prohibit you from receiving compensation from the sale of your book.

La. R.S. 42:1111C(1)(a) provides that no public servant shall receive anything of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

La. R.S. 42:1111C(2)(d) provides that no public servant shall receive any thing of economic value for services rendered to a person if that person: (1) has a contractual, business, or financial relationship with the public servant's agency; (2) conducts operations which are regulated by the public employee's agency; or (3) has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

The Board concluded, and instructed me to inform you, that Section 1111C(1)(a) does not prohibit you from receiving compensation from the sale of your book, since the book is not substantially related to the programs of your agency, the Office of Neighborhood Engagement.

However, the Board cautioned that Section 1111C(2)(d) prohibits you from receiving compensation from book sales to any person who would be considered a prohibited source to you. This includes any person who has a contractual, business, or financial relationship with the Office of Neighborhood Engagement, any person who conducts operations which are regulated by the Office of Neighborhood Engagement, and any person who has substantial economic interests which may be substantially affected by the performance of your duties as a Neighborhood Liaison. Should you have any concerns about a specific potential conflict of interest, the Board suggests you seek an additional advisory opinion.

Additionally, the Board cautioned that La. R.S. 42:1113A prohibits you from selling the book to your agency, the Office of Neighborhood Engagement. However, La. R.S. 42:1123(30) would allow you to donate copies of your book to the Office of Neighborhood Engagement.

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

SOLICITING OF DONATIONS

You ask whether the Code will prohibit you from soliciting donations to BAMM Cares to cover the printing costs of the book.

La. R.S. 42:1115 provides:

> A. No public servant shall solicit or accept, directly or indirectly, anything 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:
>
> (1) Has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.
>
> B. No public employee shall solicit or accept, directly or indirectly, anything 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 employee knows or reasonably should know that such person:
>
> (1) Conducts operations or activities which are regulated by the public employee's agency.
>
> (2) Has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

The Board concluded, and instructed me to inform you, that Section 1115 prohibits you from soliciting donations from any person who would be considered a prohibited source to you. This includes any person who has a contractual, business, or financial relationship with the Office of Neighborhood Engagement, any person who conducts operations which are regulated by the Office of Neighborhood Engagement, and any person who has substantial economic interests which may be substantially affected by the performance of your duties as a Neighborhood Liaison. Should you have any concerns about a specific potential conflict of interest, the Board suggests you seek an additional advisory opinion.

The Board further cautioned, that La. R.S. 42:1116A prohibits you from using the authority of your position with the Office of Neighborhood Engagement in a manner intended to compel or coerce any person to provide you, or BAMM Cares, anything of economic value.

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. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of

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 herein. 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.

Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the 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

_____
Suzanne Quinlan Mooney
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.