

Thursday, July 22, 2021

Warren A. Perrin
Acadian Heritage & Culture
Foundation, Inc.
203 S. Broadway Street
Erath, Louisiana 70533

**Re: Louisiana Board of Ethics
Docket No. 2021-480**

Dear Mr. Perrin:

The Louisiana Board of Ethics ("Board"), at its August 6, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit the Acadian Heritage & Culture Foundation, Inc. ("Foundation"), a non-profit organization of which you are the Founder, Director, President, Vice-President, and Secretary/Treasurer, from accepting a \$10,000.00 grant from the Council for the Development of French in Louisiana ("CODOFIL").

FACTS PROVIDED

CODOFIL is a council that: 1) oversees the development and expansion of the state's economic development and tourism activities designed to promote our French culture, heritage, and language; and, 2) promotes, develops, and oversees cultural and educational relations and exchanges within the state and between the state of Louisiana and other countries, provinces, and states that share Louisiana's historical French heritage, culture, and language. CODOFIL serves as the official state agency in all relations and exchanges between the state of Louisiana and other countries, provinces, and states enjoying membership or observer status in the Organisation Internationale de la Francophonie and similar organizations. La. R.S. 25:653.

You were originally appointed to serve as President and member of CODOFIL by Governor Edwin W. Edwards. You were subsequently re-appointed to the position of President and member of the CODOFIL Board by Governor Mike Foster, Governor Kathleen Babineaux Blanco, and Governor Bobby Jindal. You stepped down as CODOFIL President in January 2011. Governor John Bel Edwards reappointed you to CODOFIL's Board in 2016 and 2020. There are twenty-three (23) CODOFIL board members, who all serve four (4) year terms and receive no salary. Pursuant to La. R.S. 36:209(R) and La. R.S. 36:801.1, CODOFIL was

transferred to and placed within the Louisiana Department of Culture, Recreation, and Tourism ("DCRT") in 2015.

You are also the Founder, Director, President, Vice-President, and Secretary/Treasurer of the Foundation, which was formed in 1991. The Foundation, a 501(3)(C) non-profit corporation, owns Acadian Museum of Erath. None of the Foundation's Board Members, including yourself, receive a salary. The Foundation and Museum are supported by thirty (30) volunteers.

DCRT decided to award a \$10,000.00 grant to the Foundation. The CODOFIL Board Members, including and specifically yourself, played no role in DCRT's decision to award the grant to the Foundation. CODOFIL Board Members have no vote or voice in CODOFIL expenditures and DCRT's grant award considerations and decisions. The Grant Agreement is to be signed by a representative of the Foundation, DCRT's Assistant Secretary of the Office of Cultural Development, and DCRT's Undersecretary of the Office of Management and Finance. CODOFIL's Executive Director Peggy Feehan is not a signatory to the Grant Agreement. Pursuant to the Grant Agreement, the Foundation is required to ensure that the grant funds are provided to Dr. Jason Theriot to assist with the development, production, and launch of the Frenchie Podcast. The Frenchie Podcast is dedicated to sharing the stories and legacies of the French-speaking Cajuns of WWII, as told by the veterans themselves.

LAW

La. R.S. 42:1111(C)(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by 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 obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

La. R.S. 42:1111(E)(1) provides that no public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

La. R.S. 42:1112(B)(3) prohibits a public servant from participating in a governmental transaction in which any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

La. R.S. 42:1113(B) prohibits an appointed member of any board or commission, member of his immediate family, or a legal entity in which he has a substantial economic interest, from

bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, that the Code would not prohibit the Foundation from entering into the Grant Agreement with DCRT. First, the Grant Agreement would not constitute a violation of La. R.S. 42:1111(C)(2)(d), which provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent shall receive anything of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person from whom such public servant would be prohibited by La. R.S. 42:1115(A)(1) or (B) from receiving a gift. Neither you nor the Foundation are rendering any service in exchange for the DCRT Grant. Next, La. R.S. 42:1111(E)(1) prohibits a public servant and a legal entity of which he is an officer, director, trustee, partner, or employee receiving or agreeing to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the public servant's agency. The Foundation's acceptance of the DCRT Grant would not constitute a violation of La. R.S. 42:1111(E) because neither you nor the Foundation is assisting any person in a transaction with CODOFIL, your agency.

La. R.S. 42:1112(B)(3) prohibits a public servant from participating in a governmental transaction in which any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest. However, you had no involvement with the decision to award the Foundation the DCRT Grant and did not participate in the Grant award consideration or decision in any manner. Lastly, La. R.S. 42:1113(B) prohibits an appointed board/commission member, his immediate family member, or a legal entity in which he has a substantial economic interest, entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision/jurisdiction of the appointed member's agency. The Foundation would be a party to the Grant Agreement with DCRT. Even if the Grant Agreement were with CODOFIL, you do not have a substantial economic interest in the Foundation as you do not receive a salary or any other compensation from the Foundation. Therefore, the Foundation's acceptance of the DCRT Grant would not constitute a violation of La. R.S. 42:1113(B).

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 Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. 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.