STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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August 21, 2019

Vance J. Normand, Jr.
Capital Area Groundwater Conservation Commission
615 Lyon St.
Brusly, LA 70719

Re: Board Docket No. 2019-755

Dear Mr. Normand:

The Louisiana Board of Ethics, at its August 16, 2019 meeting, considered your request for an advisory opinion as to whether you, a board member of the Capital Area Groundwater Conservation Commission (CAGCC), may continue to receive retirement benefits from your former employer without violating the prohibition against a public servant receiving anything of economic value from an entity that has a contractual relationship with or is regulated by the CAGCC

FACTS PROVIDED

You stated that you are a board member of the CAGCC and that you were employed by Entergy Operations, Inc. from 1978 until your retirement in 1999. The CAGCC has the authority to limit the withdrawal of well water used by Entergy and set fees for the water used. You also stated you receive medical benefits in the form of a Medicare supplemental policy for which you pay a premium and receive no other compensation or income from Entergy and have not since retirement. Additionally, you stated you own Entergy stock that comprises three percent of your net worth and you do not exercise any control over the entity in which you own stock.

LAW

La. R.S. 42:1111C(2)(d) prohibits a public employee from receiving anything of economic value for services rendered to or from a person who has or is seeking to obtain contractual or other business or financial relationships with the public employee's agency, who conducts operations or activities regulated by the public employee's agency, or who has a substantial economic interest that may be substantially affected by the performance or nonperformance of public employee's duties.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from receiving retirement benefits or owning stock in Entergy. Your retirement benefits would not be prohibited as you are not currently providing a service to Entergy. Due to lack of standing, the Board declined to render an opinion as to whether a CAGCC board member who is employed by and receives compensation from an entity who has a contractual relationship with the agency or who conducts operations or activities regulated by the agency may serve on the board. Due to lack of standing, the Board also declined to render an opinion as to whether a CAGCC board member who has a substantial personal economic interest in an entity that either has a contractual relationship with the agency or conducts operations or activities regulated by the agency may serve on the board.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts 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 laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Matthew R. DeVille

Matthew R. DeVille
For the Board