

**STATE OF LOUISIANA  
DIVISION OF ADMINISTRATIVE LAW  
ETHICS ADJUDICATORY BOARD**

**BOARD OF ETHICS**

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\* **DOCKET NO. 2020-0161-ETHICS-B**

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**IN THE MATTER OF**

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**JERRY LEE DUNN, JR.**

\* **AGENCY TRACKING NO. 5120-009**

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**DECISION AND ORDER**

Jerry Lee Dunn, Jr. knowingly failed to file his 30-P, 10-P, and 10-G campaign finance disclosure reports in connection with his candidacy for the office of Claiborne Parish Sheriff as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose upon Jerry Lee Dunn, Jr. additional civil penalties of up to \$10,000.00 per violation, as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

**APPEARANCES**

An adjudicatory hearing was conducted March 11, 2021, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).<sup>1</sup> Charles Reeves appeared as counsel on behalf of the Board of Ethics (BOE). Although duly noticed, Jerry Lee Dunn, Jr. (Respondent) did not appear for the hearing.<sup>2</sup>

**STATEMENT OF THE CASE**

The BOE requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Respondent was more than six days late filing his 30-P

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<sup>1</sup> The Panel B of the Ethics Adjudicatory Board consists of Administrative Law Judges Gregory McDonald (presiding), Anthony Russo, and Esther Redmann.

<sup>2</sup> The hearing notice was mailed on December 4, 2020, by the Administrative Hearings Clerk for the Division of Administrative Law to Jerry Lee Dunn, Jr. at: 1203 Monroe Avenue, Homer, Louisiana, 71040-4621.

campaign finance disclosure report for the October 12, 2019, primary election for the office of Claiborne Parish Sheriff, and whether Respondent was more than six days late filing his 10-P campaign finance disclosure report for the October 12, 2019, primary election for the office of Claiborne Parish Sheriff.<sup>3</sup> The BOE also requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(b), Respondent was more than eleven days late filing his 10-G campaign finance disclosure report for the November 16, 2019, general election for the office of Claiborne Parish Sheriff.

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-14, which were admitted into evidence. BOE requested the EAB make a determination of whether Respondent was more than six days late in filing his 30-P and 10-P campaign finance disclosure reports, and more than eleven days late in filing his 10-G campaign finance disclosure report, which would subject him to additional civil penalties under La. R.S. 18:1505.4(A)(4) for each late report. The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

### **FINDINGS OF FACT**

Respondent was a candidate for the office of Claiborne Parish Sheriff in a primary election held October 12, 2019.<sup>4</sup> The office of Claiborne Parish Sheriff is a “district” level office, as it is a parish-wide elected office.<sup>5</sup> Respondent was defeated in the primary election.<sup>6</sup> A runoff of the

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<sup>3</sup> BOE’s original *Request for Hearing*, filed on January 7, 2020, alleged only the failure of Respondent to file the 30-P campaign finance disclosure report. BOE filed an *Amended Request for Hearing* on May 5, 2020, adding allegations that Respondent failed to file the 10-P and 10-G campaign finance disclosure reports.

<sup>4</sup> See BOE-2; BOE-3, p. 2. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he was a candidate for the office of Claiborne Parish Sheriff. BOE-11, p. 3.

<sup>5</sup> See BOE-4, p. 2.

<sup>6</sup> BOE-3, p. 2.

top two candidates was held in the general election on November 16, 2019.<sup>7</sup> Respondent was required to file a campaign finance disclosure report thirty days prior to the primary election (also known as a 30-P), due on September 12, 2019.<sup>8</sup> Respondent was required to file a campaign finance disclosure report ten days prior to the primary election (also known as the 10-P), due on October 2, 2019.<sup>9</sup> Respondent was required to file a campaign finance disclosure report ten days prior to the general election (also known as the 10-G report), due on November 6, 2019.<sup>10</sup>

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.<sup>11</sup> Election candidates, when qualifying at their respective clerks of court, are provided with BOE's *Schedule of Reporting and Filing Dates for Candidates* (Schedule).<sup>12</sup> The Schedule informed Respondent that the 30-P report was due September 12, 2019, the 10-P report was due October 2, 2019, and the 10-G report was due on November 6, 2019.<sup>13</sup> Upon qualifying to run for office, Respondent also acknowledged that he was subject to the provisions of the CFDA.<sup>14</sup>

Respondent did not file the required 30-P report by the due date, September 12, 2019.<sup>15</sup> The BOE issued a *Late Fee Assessment Order* and assessed a fine of \$2,000.00 for this violation.<sup>16</sup> Respondent was notified in the letter accompanying the order that he could be subject to an additional civil penalty of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the

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<sup>7</sup> BOE-4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> La. R.S. 18:1483(19).

<sup>12</sup> *See* BOE-4.

<sup>13</sup> *Id.*

<sup>14</sup> BOE-2, p. 2. The Campaign Finance Disclosure Act, La. R.S. 18:1481, *et seq.*, also provides the same schedule of reports due. *See* La. R.S. 18:1495.4(B)(3)-(5).

<sup>15</sup> BOE-10. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 30-P campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Sheriff for the Parish of Claiborne. BOE-11, p. 4.

<sup>16</sup> BOE-7, p. 2.

report.<sup>17</sup> The 30-P report had not been filed as of February 8, 2021.<sup>18</sup>

Respondent did not file the required 10-P report by the due date, October 2, 2019.<sup>19</sup> The BOE issued a *Late Fee Assessment Order* and assessed a fine of \$2,000.00 for this violation.<sup>20</sup> Respondent was notified in the letter accompanying the order that he could be subject to an additional civil penalty of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the report.<sup>21</sup> The 10-P report had not been filed as of February 8, 2021.<sup>22</sup>

Respondent did not file the required 10-G report by the due date, November 6, 2019.<sup>23</sup> The BOE issued a *Late Fee Assessment Order* and assessed a fine of \$2,000.00 for this violation.<sup>24</sup> Respondent was notified in the letter accompanying the order that he could be subject to an additional civil penalty of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the report.<sup>25</sup> The 30-P report had not been filed as of February 8, 2021.<sup>26</sup>

Respondent failed to appear for the hearing despite notice of the hearing being sent to his last known address.

### **CONCLUSIONS OF LAW**

The BOE proved that Respondent knowingly failed to file a 30-P campaign finance disclosure report thirty days prior to the primary election, due on September 12, 2019, and the

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<sup>17</sup> BOE-7, p. 1.

<sup>18</sup> BOE-10.

<sup>19</sup> BOE-10. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 10-P campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Sheriff for the Parish of Claiborne. BOE-11, p. 4.

<sup>20</sup> BOE-8, p. 2.

<sup>21</sup> BOE-8, p. 1.

<sup>22</sup> BOE-10.

<sup>23</sup> BOE-10. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 10-G campaign finance disclosure report in connection with the November 16, 2019, general election for the office of Sheriff for the Parish of Claiborne. BOE-11, p. 5.

<sup>24</sup> BOE-9, p. 2.

<sup>25</sup> BOE-9, p. 1.

<sup>26</sup> BOE-10.

BOE may impose upon Respondent an additional civil penalty not to exceed \$10,000.00.<sup>27</sup> The BOE proved that Respondent knowingly failed to file his 10-P campaign finance disclosure report ten days prior to the primary election, due on October 2, 2019, and the BOE may impose upon Respondent an additional civil penalty not to exceed \$10,000.00.<sup>28</sup> The BOE proved that Respondent knowingly failed to file a 10-G campaign finance disclosure report eleven days prior to the general election, due on November 6, 2019, and the BOE may impose upon Respondent an additional civil penalty not to exceed \$10,000.00.<sup>29</sup>

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to file a required campaign finance disclosure report (or filed it more than six or eleven days late, depending on the report).<sup>30</sup> A rebuttable presumption of intent not to file reports exists when a candidate fails to submit any required report within three days after the final date for its filing.<sup>31</sup>

The office of Claiborne Parish Sheriff is a “district” level office, as it is a parish-wide elected office.<sup>32</sup> The BOE proved by clear and convincing evidence that Respondent failed to timely file the 30-P, 10-P, and 10-G campaign finance disclosure reports as a candidate for that

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<sup>27</sup> La. R.S. 18:1505.4(A)(4)(a) of the CFDA provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required 30-P campaign finance disclosure report, or filed the 30-P report more than six days late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties not to exceed \$10,000.00 per report.

<sup>28</sup> La. R.S. 18:1505.4(A)(4)(a) of the CFDA provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required 10-P campaign finance disclosure report, or filed the 10-P report more than six days late, then the BOE, functioning as the Supervisory Committee on Campaign Finance, may impose upon the candidate additional civil penalties not to exceed \$10,000.00 per report.

<sup>29</sup> La. R.S. 18:1505.4(A)(4)(b) of the CFDA provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required 10-G campaign finance disclosure report, or filed the 10-G report more than eleven days late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties not to exceed \$10,000.00 per report.

<sup>30</sup> La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

<sup>31</sup> La. R.S. 18:1505.1(A).

<sup>32</sup> La. R.S. 18:1483(11); La. R.S. 18:1484(1); BOE 4, p. 2.

office in the October 2019 primary election and November 2019 general election. Every candidate for “district” public office (or his campaign treasurer), who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$60 per day, not to exceed \$2,000.<sup>33</sup> The BOE assessed the maximum amount of \$2,000.00 for each missing report, as more than 33 days have elapsed since the date the reports were considered late.<sup>34</sup> “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.<sup>35</sup>

Additionally, the EAB concludes that both the statute<sup>36</sup> and the instructions provided in the Schedule prepared by the BOE, require that a candidate in the primary election must file a 10-G report, even where he does not participate in the general election, and said report “shall be the final report for the election.”<sup>37</sup> Although Respondent did not participate in the November 16, 2019, general election, he was still required to file the 10-G report.

Respondent knew he was required to file certain campaign financial disclosure reports when he acknowledged he was subject to CFDA upon qualification for candidacy. Respondent was provided with a *Schedule of Reporting and Filing Dates for Candidates*, which informed him that the 30-P report was due September 12, 2019, the 10-P report was due on October 2, 2019, and the 10-G report was due on November 6, 2019. On February 28, 2020, the BOE assessed civil penalties of the maximum amount of \$2,000.00 per report, as Respondent had failed to file his 30-P, 10-P and 10-G reports by their due dates.

These assessments are not before the EAB. In the letters accompanying the late fee assessment orders, the BOE notified Respondent that he could be subject to additional civil penalty

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<sup>33</sup> La. R.S. 18:1505.4(A)(2)(a)(ii).

<sup>34</sup> \$60.00 multiplied by 34 days equals \$2,040.00, which exceeds the statutory maximum of \$2,000.00 in La. R.S. 18:1505.4(A)(2)(a)(ii).

<sup>35</sup> La. R.S. 18:1505.5.

<sup>36</sup> La. R.S. 18:1495.4.

<sup>37</sup> La. R.S. 18:1495.4(B)(5).

not to exceed \$10,000.00 per report, pursuant to La. R.S. 18:1505.4(A)(4), for failing to file his 30-P, 10-P and 10-G reports. The 30-P, 10-P, and 10-G reports had not been filed as of February 8, 2021. Therefore, the Respondent's 30-P and 10-P reports are more than six days late and his 10-G report is more than eleven days late. By knowingly failing to file the required reports, Respondent violated the CFDA, and may be assessed an additional civil penalty up to \$10,000.00 by the BOE for each report.<sup>38</sup>

The BOE proved Respondent, a candidate for "district" office, failed to file his 30-P report more than six days after the report's due date. The BOE proved Respondent, a candidate for "district" office, failed to file his 10-P report more than six days after the report's due date. The BOE proved Respondent, a candidate for "district" office, failed to file his 10-G report more than eleven days after the report's due date. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose against Respondent additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(a) and (b), not to exceed \$10,000.00 for each late report.

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<sup>38</sup> La. R.S. 18:1505.4(A)(4).

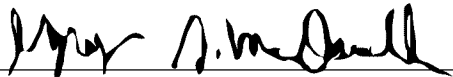
## ORDER

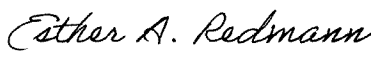
**IT IS ORDERED** that the 2019 30-P campaign finance disclosure report of Jerry Lee Dunn, Jr. is more than six days late, and the Board of Ethics may impose upon Jerry Lee Dunn, Jr. an additional civil penalty as allowed by La. R.S.18:1505.4(A)(4)(a).


**IT IS FURTHER ORDERED** that the 2019 10-P campaign finance disclosure report of Jerry Lee Dunn, Jr. is more than six days late, and the Board of Ethics may impose upon Jerry Lee Dunn, Jr. an additional civil penalty as allowed by La. R.S.18:1505.4(A)(4)(a).

**IT IS FURTHER ORDERED** that the 2019 310-G campaign finance disclosure report of Jerry Lee Dunn, Jr. is more than eleven days late, and the Board of Ethics may impose upon Jerry Lee Dunn, Jr. an additional civil penalty as allowed by La. R.S.18:1505.4(A)(4)(b).

Rendered and signed on March 24, 2021 in Baton Rouge, Louisiana.

  
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Gregory McDonald  
Presiding Administrative Law Judge

  
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Esther A. Redmann  
Administrative Law Judge

  
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Anthony J Russo  
Administrative Law Judge



## **REVIEW RIGHTS**

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

**To request a rehearing or reconsideration, please send it to one of the addresses indicated below:**

**EMAIL documents to:**  
**EABprocessing@adminlaw.state.la.us**

**FAX documents to:**  
**EAB Section Deputy Clerk**  
**(225) 219-9820**

**MAIL documents to:**  
**DAL – EAB Section**  
**ATTN: EAB Section**  
**P. O. Box 44033**  
**Baton Rouge, LA 70804-4033**

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.