

DISCLOSURE DIVISION

☒ **WAIVER REQUEST**
☐ **ANSWER**
☐ **RECONSIDERATION REQUEST**
☐ **UNTIMELY**

DATE: 6/11/2021

DOCKET #: 2021-509

Ashley Wimberley, Director
Disclosure Division

FILER INFORMATION

Name: Michael D. Harris
Address: 386 Harmony Trail, DeRidder, LA 70634
Alt. Address: 806 Lake Court Dr., DeRidder, LA 70634-4317
Office/Position: DeRidder City Council at Large/ Beauregard & Vernon
of Disclosures/Amendments Filed with Agency: 5
Years Covered: 2017-2019
Final Report: 2019 Final

REPORT INFORMATION

Name of Report: Tier 2 Annual PFD covering calendar year 2018
Report ID: PFD21000879
Original Due Date: 5/15/2019
NOD Received: 4/20/2020 - Signed by Michael Harris
PFD/Answer Due Date based on NOD: 7/6/2020
PFD/Answer Filed: 2/2/2021

LATE FEE INFORMATION

Amount of Late Fee: \$2500
Days late from receipt of NOD: 211
Total days late from initial due date: 629
Late Fee Order Received: 3/2/2021
Payment/Waiver Request Due Date: 3/22/2021
Waiver Request Received: 3/2/2021

COMMENTS:

Michael Harris is requesting a waiver for the following reasons: Mayor Ron Roberts convinced him to run for office, knowing that he did not meet residency requirements. After qualifying and winning the run-off election, his seat was being contested by Mayor Roberts. After having a complaint filed with the local DA to challenge Harris's position and eligibility to hold office. Harris went to court several times and after the Lake Charles, 3rd Circuit Court refusal to review the case, he decided to resign. Around the time the disclosure was due Mr. Harris stated he was engulfed in expensive court cases; Also during the same timeframe his mother, sister, cousin and three close friends had passed away. He thought he was finished with turning in all of his documents once he resigned and had no more legal political obligations to fulfil. This is Mr. Harris's first late fee assessment.

OTHER LATE FEE INFORMATION

Disclosure Statements:

- Other Outstanding Statements: No
- Other Outstanding Late Fees: No
- Prior Late Fees: No
- Reassessed Late Fees: No

Campaign Finance:

- Outstanding Late Fees: No
- Prior Late Fees: Yes \$120 Paid

3/02/2021

Louisiana Board of Ethics

Ref: PFD21000879

To: Louisiana Board of Ethics

First, I would like to apologize for the delinquency of Tier 2 Annual Personal Financial Disclosure Statement for calendar year 2018.

On April 28, 2018 I was duly elected to serve my city in the political capacity of Councilman at Large. This was my first time running for public office. Before April 28, 2018 I had absolutely no idea of the political process or the requirements of filing Annual reports.

I decided to run for office after I spoke with the at interim mayor Ron Roberts. I asked him to advise me as my intent was to run for Mayor. He convinced me to run for Councilman at Large because he was going to support his niece Misty Roberts Clanton. After he and I discussed the Councilman at Large position and the responsibilities, I decided to take Ron Roberts advise. I would be running against an incumbent who had served for more than 30 years, a local evangelical Pastor and a Sheriff's deputy. Looking back, I do not believe Ron expected me to win. I am born and raised in Deridder. I graduated DeRidder High School and obtained my Bachelorette along with my master's degree from Northwestern State University of Louisiana. I had also served our country as an officer in the United States Army. When I retired from the military, I really wanted to serve my hometown.

Although, this election warranted a runoff which extended the election period, no one to include Ron mentioned any issues with my residency. The citizens of my city elected me on April 28, 2018 and on May 7, 2018 I received a letter from our city's attorney David R. Lestage (included in this waiver request) informing me that my seat was being contested by non-other than Ron Roberts our out-going mayor. We qualified for elections in February 2018 and no one mentioned any issues with my candidacy until after the citizens of our city elected me to represent them. After the Secretary of State Kyle Ardoin intervened. We won this court hearing and I thought everything was good.

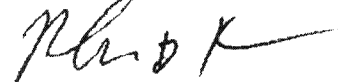
On August 23, 2018 James R. Lestage, the son of our city attorney David Lastage who serves as our city District Attorney filed a written opinion with reasons regarding a complaint, he received from Ron Roberts which challenged my eligibility to hold the office of city council (Letter included in this request for waiver). So, I'm preparing to go to court again. Please keep in mind the office pays \$600.00 per month and I have been fighting in court to hold the position my fellow DeRiddians elected me to fill since the day I was elected. Lawyers and court hearings are expensive. I loss this court hearing and decided to appeal to the 3rd circuit court in Lake Charles. February 2019 the 3rd circuit refused to hear the case and I decided to resign from the office and not pursue. At this time, I thought my pollical ties were over and I had no more commitment to anything dealing with the office.

I understand now that I was totally wrong. I spoke with Ms. Tammy Frazier yesterday as I received a letter requesting my 2019 financial statements at which time, she explained the importance of me filling and following through with every request from the Louisiana Board of Ethics. I complied with her request yesterday. I received this late fee assessment-Report: PFD21000879 today and is responding today as an effort to comply with the La. R.S. 42:1124.4.

Although during this process I have loss a sister, cousin, three close friends and my mother it is still no excuse for me not to have complied. I honestly thought my political carrier was over and I had no legal responsibilities. I did receive letters from the Louisiana Board of Ethics, but I thought they sent them because they were under the impression I was still in office. Now, I know that is not the case. I am requesting the fees be waived and I will comply with your request in a timely matter as I have this response to the letter I received today.

If you have any questions or concerns please do not hesitate to give me a call @ 337-401-6955 or email @ davonte89@yahoo.com.

Very Respectfully,



Michael D. Harris



LESTAGE & ANDREWS LLC
Attorneys at Law

DAVID R. LESTAGE
David@LALawLLC.com
www.LALawLLC.com

May 7, 2018

VIA EMAIL ONLY: itsmycity2@yahoo.com

Cpt. Michael D. Harris
386 Harmony Trail
DeRidder, LA 70634

RE: **CITY OF DERIDDER, LOUISIANA
COUNCIL MEMBER AT LARGE OFFICE**

Dear Cpt. Harris:

As you may know, I am City Attorney for the City of DeRidder. Mayor Roberts has advised me that he had his staff try to contact you about meeting with him about the position of Council Member At Large for which you received the second most votes in the April 28, 2018 General Election, but to no avail. Therefore, the Mayor has asked me to write you concerning same and to provide you with a copy of the lawsuit Petition which he has had me prepare. Neither the Mayor nor I take pleasure with such a suit, but in light of the information furnished by numerous persons, which certainly seems to be confirmed by review of various public records, it does not appear that you meet the domicile and residency requirements set forth in the City's Charter for the office in point. Mayor Roberts is obligated to enforce the law; consequently, should you not take appropriate steps with the Louisiana Secretary of State by close of business tomorrow, Tuesday, May 08, 2018, suit shall be filed against you.

Sincerely,

David R. Lestage
City Attorney
City of DeRidder, Louisiana

cc: Mayor Ron Roberts
DRL: jnd

Office of
The District Attorney

JAMES R. LESTAGE
DISTRICT ATTORNEY
P.O. BOX 99
DeRIDDER, LOUISIANA 70634

36TH JUDICIAL DISTRICT
PARISH OF BEAUREGARD
STATE OF LOUISIANA
(337) 463-5578 • FAX (337) 462-6925

RICHARD F. BLANKENSHIP
ASSISTANT DISTRICT ATTORNEY

F. STEVE LANDRENEAU
ASSISTANT DISTRICT ATTORNEY

RICHARD A. MORTON
FIRST ASSISTANT DISTRICT ATTORNEY



D. WAYNE BUSH
ASSISTANT DISTRICT ATTORNEY

DISTRICT ATTORNEY'S WRITTEN OPINION,
WITH REASONS
IN ACCORDANCE WITH La.R.S.18:673

On August 8, 2018, my office did receive a written complaint from Ronald M. Roberts, alleging that Michael Dwayne Harris was elected to the DeRidder City Council as an at-large member on April 28, 2018, and was sworn to uphold the duties of that position on July 2, 2018. The complainant, Roberts, goes on to state that it his belief that:

- 1) Mr. Harris was not domiciled within the City of DeRidder within the one year period prior to the qualification of the office as required by the City Charter of the City of DeRidder, Sec. 2-04(1);
- 2) Mr. Harris did not live within the City of DeRidder within the one year period prior to qualification of the office as required by the City Charter of the City of DeRidder, Sec. 2-04(1);
- 3) Mr. Harris does **not** currently live within the City of DeRidder as required by the City Charter of the City of DeRidder, Sec. 2-04(2).

Complainant Roberts further alleges that it is his belief that Mr. Harris committed a criminal and ethical violation by filing a false public record when "filing for office." Attached to the complaint was a copy of a voter registration card indicating that Ronald M. Roberts is a registered voter within the city limits of the City of DeRidder. The Beauregard Parish Registrar of Voters Office did verify that Roberts' registration information is current and valid.

The Charter of the City of DeRidder includes Sec. 2-04 Qualifications. It specifically states that:

- 1) A council member elected at-large shall have been legally domiciled and shall have actually resided for at least one (1) year immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the city.
- 2) A council member shall continue to be legally domiciled and to actually reside within the city.
- 3) Council members ceasing to possess these qualifications shall be disqualified, creating a vacancy on the council.

La. R.S. 18:672 states “when any voter lawfully registered in the district or geographical area from which an office holder has been elected, or from which an office holder has been appointed, or otherwise selected to hold office, has reason to believe that the office holder no longer meets the residence or domicile requirements of that office, the voter may make a written complaint of that fact to the proper official.” La.R.S. 18:671 states, in pertinent part, that “proper official means the District Attorney of the office holder’s designated domicile.” La.R.S. 18:673 states that “within 20 days of the receipt of such written complaint the proper official shall investigate and provide a written opinion, with reasons, as to whether the office holder meets the residence or domicile requirements of the office he holds to the complainant and to the legislative or executive agency, board, commission, governing authority, or other body or entity of the state or of any political subdivision, to which the office holder has been elected or appointed. The opinion shall also be published in the official journal of the parish of the office holder’s designated domicile.”

The first two issues that complainant Roberts raises, along with the criminal and ethical allegations, will be premitted for the purposes of this Opinion. Although a review of the public record, including Beauregard Parish mortgage and conveyance records, and tax assessor records, seem to clearly indicate that Mr. Harris was ineligible to hold the office of city council member at-large based on the Charter’s requirement in Sec. 2-04(1); an objection to candidacy based on the facts were not asserted within the seven (7) days from the qualifying period by a registered voter within the city limits of DeRidder, as required by the Louisiana Election Code. The third issue raised by complainant Roberts, whether Mr.

Harris is currently domiciled and actually residing within the city limits of DeRidder, will be addressed herein in accordance with the Election Code of the State of Louisiana.

As previously noted, the City Charter of the City of DeRidder requires that a council member at-large shall continue to be legally domiciled within the City of DeRidder and shall continue to actually reside within the City of DeRidder.

DOMICILE

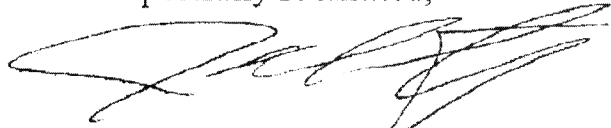
Louisiana Civil Code Art. 38 defines "domicile" as follows: "The domicile of a natural person is the place of his habitual residence." C.C. Art. 39 states that a person "may reside in several places but may not have more than one domicile." C.C. Art. 44 states that "Domicile is maintained until acquisition of a new domicile. A natural person changes his domicile when he moves his residence to another location with the intent to make that location his habitual residence." Louisiana courts have determined that intent is based on the actual state of facts and not what one declares them to be. Taken into account to determine a person's intent are things such as where a person sleeps, takes his meals, has established his household, and surrounds himself with the comforts of domestic life. Other factors include where the person is registered to vote, where his motor vehicles are registered, where he maintains bank accounts and receives mail, where he transacts business affairs, and where he leases or owns property. See *McClendon v. Bel*, (La. App. 1 Cir 9/7/00), 797 So. 2d 700.

Mr. Harris appeared to have been domiciled at 806 Lake Court Drive, DeRidder, Louisiana, from at least 2007 until July of 2015. The public record indicates that Mr. Harris built and moved into a home at 386 Harmony Trail, DeRidder, Louisiana, in 2015. The Harmony Trail address is not within the city limits of DeRidder. He signed a Homestead Exemption Application and filed the same on July 9, 2015, regarding that Harmony Trail property. On January 18, 2017, Mr. Harris filed an application to change his homestead exemption from the Harmony Trail address back to the 806 Lake Court Drive address (which was less than one year as required by the City Charter of DeRidder to be eligible for a council member position). As stated in La.C.C. Art. 44, a person changes his domicile when he moves his residence to another location with the intent to make that location his habitual residence.

great many connections and ties to the City of DeRidder, including, but not limited to his property at 806 Lake Court. Unfortunately, the property at Lake Court does not appear to legally qualify as Mr. Harris' domicile nor does it appear to qualify as Mr. Harris' actual residence.

The City Charter of the City of DeRidder clearly establishes a continuing obligation on a council member at-large to maintain his domicile in, and actually reside in, the City of DeRidder. Although Mr. Harris has expressed, and no doubt has, a real desire to serve the citizens of DeRidder; he does not meet, and has not met the continuing dual obligations to be domiciled and actually reside within the city. Therefore, it is my opinion, that Michael D. Harris is not qualified to hold the office of DeRidder City Council Member At-Large. It is my duty, in accordance with La.R.S. 18:674, to file suit in the 36th Judicial District Court within ten (10) days of this report to declare Mr. Harris' office "vacant."

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. R. Lestage', with a stylized, sweeping flourish at the end.

JAMES R. LESTAGE
District Attorney

Office of
The District Attorney

JAMES R. LESTAGE
DISTRICT ATTORNEY
P.O. Box 99
DeRidder, Louisiana 70634

36TH JUDICIAL DISTRICT
PARISH OF BEAUREGARD
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F. STEVE LANDRENEAU
ASSISTANT DISTRICT ATTORNEY

RICHARD A. MORTON
FIRST ASSISTANT DISTRICT ATTORNEY



D. WAYNE BUSH
ASSISTANT DISTRICT ATTORNEY

August 23, 2018

Mr. Michael D. Harris
386 Harmony Trail
DeRidder, LA 70634

Dear Mr. Harris:

Attached please find a courtesy copy of a Written Opinion With Reasons regarding a complaint I received which challenged your eligibility to hold the office of city council member for the City of DeRidder. As we have discussed, I was required by law to investigate the complaint and am required to provide the report. My investigation has concluded that you are not in compliance with the City Charter of the City of DeRidder which requires you to maintain your domicile and actual residence within the city limits.

As stated in my Opinion, I am required to file a petition to declare your council seat vacant within ten (10) days of this report. You or your counsel, should you choose to hire such, are free to contact me at any time. You have my cell phone number.

Respectfully yours,

A handwritten signature in black ink, appearing to read "J. R. Lestage", written over a horizontal line.

JAMES R. LESTAGE
District Attorney

JRL:sl
Enclosure

<https://www.beauregarddailynews.net/news/20180606/secretary-of-state-intervenes-in-city-suit-against-harris>

Secretary of State R. Kyle Ardoin is expected to turn up at a hearing tomorrow in the ongoing legal battle between Councilman Elect Michael D. Harris and the City of DeRidder.

The initial lawsuit filed on May 9 by the City of DeRidder challenges Harris's eligibility as member of the DeRidder City Council due to the location of his residence.

Harris told the Beauregard Daily News that the suit was filed not by the City in general but specifically by outgoing Mayor Ron Roberts.

It is required that candidates must have resided for at least one year at the registered domicile within the city limits. When Harris decided to run for councilman-at-large, he documented his domicile address as 806 Lake Court Dr. in DeRidder city limits.

He filed a permanent homestead exemption application on Jan. 16, 2017.

The suit claims Harris has been living in West Beauregard Parish since 2015. This is due to his alleged mailing address at his second home located at 386 Harmony Dr., DeRidder. This residence is technically outside city limits.

It has been released that Ardoin filed a petition yesterday to intervene in Harris's favor, seeking to have the case dismissed.

The city is filing a "Writ of Quo Warranto" against Harris, claiming he is not fit to be appointed to the position due the accusation that he did not meet the qualifications to be eligible for the office.

Ardoin claims a "Writ of Quo Warranto" is not applicable in this case because it only pertains to cases where a candidate "usurps" an office. Someone who usurps a position of power or importance generally takes it illegally or by force.

Harris did not usurp the office, as he won the official runoff election in April.

Ardoin also stated in the petition that this suit, while disguised as a "Writ of Quo Warranto," is actually an objection to candidacy.

According to the petition, the city of DeRidder is not legally able to file an objection to candidacy because it is "not within the class of persons entitled to bring objection to candidacy suits."

Ardoin reaffirms this point in the petition. "The city of DeRidder is not a qualified elector and is does not have standing to bring an objection to the election of Michael Dwayne Harris," he stated.

The petition also references Louisiana Revised Statute – "An action objecting to candidacy shall be commenced in a court of competent jurisdiction within seven days after the close of qualifications for candidates in the primary election."

No objections to Harris's candidacy were made within seven days of the qualifications back in January.

Ardoin is set to appear for the hearing at 10 a.m. tomorrow in the Beauregard Parish Courthouse.



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

CERTIFIED MAIL

NO. 70200640000079870707

RETURN RECEIPT REQUESTED

February 24, 2021

Michael D. Harris
806 Lake Court Dr.
DeRidder, LA 70634-4317

RE: Tier 2 Annual Personal Financial Disclosure Statement for calendar year 2018
DeRidder City Council at Large - Beauregard & Vernon Parishes
Late Fee Assessment - Report: PFD21000879

Dear Michael D. Harris:

Enclosed is an assessment of a late fee pursuant to La. R.S. 42:1124.4. Please submit a check or money order in the amount of \$2,500 payable to the *Louisiana State Treasurer*, Post Office Box 4368, Baton Rouge, Louisiana 70821.

You have 20 days from the receipt of this letter to submit payment or dispute this assessment. To dispute the assessment, you may elect to:

- **Request a waiver to the Board of Ethics**

If you choose to request a waiver of the late fee, your request should include specific details, along with supporting documentation, as to why, in your opinion, you have *good cause* for not timely filing the report and why the late fee should be reduced, suspended, or waived. The request should be submitted to the attention of: *Louisiana Board of Ethics*, Post Office Box 4368, Baton Rouge, Louisiana 70821. You may also fax the request to 225/381-7271. Also, if you would like to appear before the Board of Ethics in connection with your request, you should state that in your request. If you request an appearance, you will be notified of the place and time prior to the meeting.

- **Appeal the assessment directly to the Ethics Adjudicatory Board**

If you choose to appeal the assessment of the late fee, the proceedings will go before a three judge panel of administrative law judges. The panel will determine if you were required to file the disclosure statement and whether the disclosure statement was filed late. Mitigating factors are not considered. The Ethics Adjudicatory Board does not have the authority to reduce, suspend, or waive a late fee assessment. If you choose to *appeal* the assessment, you should submit your request to the attention of: *Executive Secretary*, Ethics Administration, Post Office Box 4368, Baton Rouge, Louisiana 70821. You may also fax the request to 225/381-7271.

If you do not pay, dispute, or appeal the assessment of the late fee, the matter will be forwarded to the Attorney General's Office to pursue collection. If the matter is forwarded to the Attorney General's Office for collection, you may be responsible for all additional costs incurred. Additionally, late fees not paid by the due date will be posted on the agency website.

You should be aware that unpaid fines, fees, or penalties may have an adverse effect on your ability to run for public office, as the *Board of Ethics* will object to your candidacy in future elections pursuant to La. R.S. 18:491 and 18:492.

If you have any questions, you may contact Ashley Wimberley, Director at 225/219-5600 or 1-800-842-6630.

Sincerely,

Donna Bourgeois

Donna Bourgeois
Administrative Coordinator

Runoff March 24, 2018

Sent was filed Feb 25, 2019

**STATE OF LOUISIANA
BOARD OF ETHICS**

**In Re: Tier 2 Annual Personal Financial Disclosure Statement 2018
DeRidder City Council at Large - Beauregard & Vernon Parishes
Late Fee Assessment – Report: PFD21000879**

ORDER


MICHAEL D. HARRIS was required to file a Tier 2 Annual Personal Financial Disclosure Statement for calendar year 2018 pursuant to La. R.S. 42:1124 et seq.

On April 20, 2020, MICHAEL D. HARRIS received a Notice of Delinquency for failing to file the disclosure statement. The notice required that the disclosure statement be filed by July 6, 2020 (pursuant to La. R.S. 42:1124.4). MICHAEL D. HARRIS filed the Tier 2 Annual Personal Financial Disclosure Statement for calendar year 2018 on February 2, 2021 and was 211 days late.

La. R.S. 42:1124.4 authorizes the assessment of a \$100 late fee per day (not to exceed \$2,500) against MICHAEL D. HARRIS for this late filing.

Accordingly, **IT IS ORDERED** that a late fee of \$2,500 be assessed against MICHAEL D. HARRIS for failing to timely file the Tier 2 Annual Personal Financial Disclosure Statement for calendar year 2018.

ORDER signed on the 24th day of February 2021 at Baton Rouge, Louisiana.



Ashley Wimberley, Director
Disclosure Division

CERTIFIED MAIL/RETURN RECEIPT: 70200640000079870707

Uploaded on 3/2/2021 12:07 PM

File Recieved by Website Upload
March 02, 2021 12:07 pm

Document Type: Waiver Request/Appeal

Filer Name: Michael Harris

Filer E-mail: davonte89@yahoo.com

**Original File Name: Michael Harris Request for
Waiver20210302_12043440.pdf**

Page Count: 12

Final File Name: 20210302_637502836784165798.pdf