Date

Mr. Trenton S. Broussard
434 Fourth Street
Jennings, La. 70546

Re: Louisiana Board of Ethics Docket No. 2021-829
Advisory Opinion

Dear Mr. Broussard:

The Louisiana Board of Ethics ("Board"), at its December 3, 2021 meeting, considered your request for an advisory opinion regarding whether the Louisiana Code of Governmental Ethics (the "Code") would prohibit you, an employee of the City of Jennings's Streets Department, from bidding on work with the Inspector's Office.

FACTS PROVIDED

You stated that you are employed as a laborer with the City of Jennings ("City") in the Streets Department. You also own and operate Pro Tractor Worx, LLC, which is a bush hog/dirt business. You only conduct work for Pro Tractor Worx on your time off from your job in the Streets Department. The City's Inspectors Office ("Inspectors Office") is responsible for clearing debris and cutting grass on neglected and blighted properties in the City. If the property owner fails to comply with the City's upkeep ordinances, the Inspectors Office, after proper notification, accepts bids to clear the property. Once the work is complete, the Inspectors Office authorizes the City to pay for the work, and the non-compliant property owner is billed for the cost. The Streets Department does not work on neglected or blighted properties.

LAW

La. R.S. 42:1113A(1)(a) provides that no public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1102(8) defines "controlling interest" to mean any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

La. R.S. 42:1102(2)(a) defines "agency" to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean: (i) … in the case of public servants who are members or employees of a board or commission or who provide staff assistance to a board or commission, it

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shall mean the board or commission; (vi) for public servants of political subdivisions, it shall mean the agency in which the public servant serves.

ANALYSIS

La. R.S. 42:1113A(1)(a) prohibits a public servant and/or a company in which he owns a more than 25% from bidding on or entering into a contract that is under the supervision or jurisdiction of the public servant's agency. Therefore, a public servant in the City of Jennings Streets Department, or his company, would be prohibited from bidding on or entering into a contract with the Streets Department.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you or your business, Pro Tractor Worx, LLC, from bidding on or entering into a contract with the City of Jennings Inspectors Office to cut the grass on blighted properties while you are employed in the City of Jennings Streets Department, provided the work is not done during your work hours for the City.

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 Acts, 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

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Suzanne Quinlan Mooney
For the Board

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