STATE OF LOUISIANA

THE LOUISIANA BOARD OF ETHICS

IN THE MATTER OF	*	**DOCKET NO. 2020-_____-ETHICS__**
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	*	
TODD TALBOT	*	**AGENCY TRACKING NO. 2019-632**

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CHARGES

The Louisiana Board of Ethics ("BOE") voted on November 5, 2020 to and **DOES HEREBY** file the following charge:

1.

Todd Talbot ("Mr. Talbot") is currently an employee of ExxonMobil Fuels & Lubricants Company ("ExxonMobil"). Mr. Talbot's employment with ExxonMobil commenced on July 23, 1990, where he served as an Assistant Operator in ExxonMobil's Utilities Area. For many years, Mr. Talbot served as a Site Infrastructure Lead in ExxonMobil's utilities engineering group, where he oversaw well-water steam, nitrogen, and air systems at ExxonMobil's Baton Rouge complex. Currently, Mr. Talbot is the Complex Waste Water Advisor at ExxonMobil, assuming that position since February/March 2020.

2.

The ExxonMobil Baton Rouge complex consists of a refinery and a chemical plant and is an industrial user of Baton Rouge ground water. ExxonMobil has drilled wells in several aquifers under the jurisdiction of the Capital Area Ground Water Conservation Commission ("CAGWCC"). ExxonMobil uses groundwater at its Baton Rouge chemical plant and refinery to produce steam that heats up and cools down machinery. The ExxonMobil Baton Rouge complex also uses the groundwater to provide its employees with drinking water.

3.

As evidenced by La. R.S. 38:3072, the Capital Area Ground Water Conservation District ("District") was created by the Louisiana Legislature through Act 678 of 1974 due to concerns in the region, including water level declines, saltwater encroachment in several local aquifers, and land subsidence caused by over-pumping of groundwater. La. R.S. 38:3072(A) provides that "[T]here is hereby created the Capital Area Groundwater Conservation District, hereinafter called "district," which shall be a body politic and corporate and a political subdivision of the state of Louisiana and shall be composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana." The aquifers under the District's jurisdiction provide these parishes with water.

4.

The CAGWCC governs the District and commenced doing so in 1975. La. R.S. 38:3072(B) provides that "[T]here is hereby created a board of commissioners for the Capital Area Groundwater Conservation District who shall administer the affairs of the district. The membership of the board shall be as provided by R.S. 38:3074."

5.

The mission of the CAGWCC is to provide for the efficient administration, conservation, orderly development, and supplementation of groundwater resources in the six parishes located within the District. According to La. R.S. 38:3074, there must be eighteen (18) members of the CAGWCC and must be appointed as follows [in pertinent part]:

> (2) Three members shall be appointed from nominations by the industrial users in the district.
>
> (3) Three members shall be appointed from nominations by privately or publicly owned entities that furnish water for rural or municipal use within the district. One of the three members shall be

from nominations by privately owned users furnishing a municipal water supply.

6.

ExxonMobil is one of the world's largest publicly traded energy providers and chemical manufacturers. ExxonMobil develops and applies technologies to help meet the world's growing needs for energy and high-quality chemical products. ExxonMobil operates a chemical plant and a refinery in Baton Rouge which are collectively referred to as the "Baton Rouge complex." ExxonMobil is an "industrial users" of groundwater under the CAGWCC's jurisdiction. ExxonMobil pumps groundwater from wells drilled in the various aquifers, or "sands," within the District. Pursuant to the CAGWCC's enabling legislation, the CAGWCC charges ExxonMobil quarterly for the gallons of water pumped within the preceding three months.

7.

In accordance with La. R.S. 38:3074(2), Mr. Talbot was nominated to the CAGWCC by ExxonMobil and then appointed by Governor John Bel Edwards. Mr. Talbot was first commissioned as a Member of the CAGWCC on March 17, 2017 and his term expired on December 1, 2021.

8.

Mr. Talbot was again nominated to serve as a member on the CAGWCC by ExxonMobil and then appointed by Governor John Bel Edwards. Mr. Talbot's second commission commenced on February 1, 2019 and his second term expired on December 1, 2021. Mr. Talbot currently serves as Chairman for the CAGWCC's Administrative Committee for 2020.

9.

Since the commencement of his employment with ExxonMobil in 1990, Mr. Talbot has received an annual salary from ExxonMobil.

10.

La. R.S. 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 (25 %), 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 preformed nor compensated by any person from whom such public servant would be prohibited by La. R.S. 42:1115(A)(l) or (B) from receiving a gift.

11.

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 have a contractual, business, or financial relationship with the public servant's agency. **La. R.S. 42:1115(B)(1)** prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 conducts operations or activities that are regulated by the public employees' agency.

12.

Based on the foregoing facts, Mr. Talbot violated La. R.S. 42:1111(C)(2)(d) by virtue of his receipt of a thing of economic value (his ExxonMobil salary), for services provided to ExxonMobil, at a time when he was served as a member of the CAGWCC, and at a time when ExxonMobil had a contractual, business, or financial relationship with CAGWCC and/or at a time when ExxonMobil conducted operations or activities that are regulated by the CAGWCC.

13.

In accordance with La. R.S. 42:1141(C)(3)(b)(iv), the BOE designates LaToya D. Jordan and Tracy M. Barker as the BOE's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics respectfully requests that the Ethics Adjudicatory Board: (1) conduct a hearing on the foregoing charge; (2) determine that Todd Talbot violated La. R.S. 42:1111(C)(2)(d);and, (3) assess the appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted during the public hearing on this matter or at another time deemed appropriated by the Ethics Adjudicatory Board.

Respectfully Submitted,

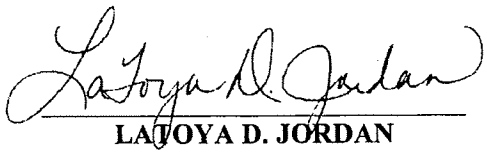
LOUISIANA BOARD OF ETHICS

Robert V. McAnelly, Chairman
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing *Charges* have been served on the Respondent by U.S. Registered or Certified Mail this 10th day of November 2020.

RESPONDENT:	Todd Talbot 823 Mouton Street Baton Rouge, Louisiana 70806
ATTORNEY:	R. Gray Sexton Aleisa M. Ardoin 8680 Bluebonnet Boulevard Suite D Baton Rouge, Louisiana 70810 Email: graysexton@sextonlaw.net Email: alesiaardoin@sextonlaw.net



LATOYA D. JORDAN
Trial Attorney

STATE OF LOUISIANA

THE LOUISIANA BOARD OF ETHICS

IN THE MATTER OF	*	**DOCKET NO. 2020-_____-ETHICS__**
	*	
	*	
	*	
RONNIE ALBRITTON	*	**AGENCY TRACKING NO. 2019-632**

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CHARGES

The Louisiana Board of Ethics ("BOE") voted on November 5, 2020 to and **DOES HEREBY** file the following charge:

1.

Ronnie Albritton ("Mr. Albritton") is currently an employee of Georgia-Pacific, LLC ("Georgia-Pacific"). Mr. Albritton's employment with Georgia-Pacific commenced on 1993 Area. Currently, Mr. Albritton is the Environmental Leader at Georgia-Pacific in the Port Hudson Consumer Products facility, assuming that position since 1998.

2.

Georgia-Pacific is one of the world's leading makers of tissue, pulp, packaging, building products and related chemicals. Georgia-Pacific operates a Consumer Products facility at Port Hudson in Zachary, Louisiana. Georgia-Pacific's Port Hudson facility is an industrial user of Baton Rouge ground water. Georgia-Pacific has drilled wells in several aquifers under the jurisdiction of the Capital Area Ground Water Conservation Commission ("CAGWCC"). Georgia-Pacific uses groundwater to operate its Port Hudson paper mill and to provide its employees with drinking water.

3.

As evidenced by La. R.S. 38:3072, the Capital Area Ground Water Conservation District ("District") was created by the Louisiana Legislature through Act 678 of 1974 due to concerns in

the region, including water level declines, saltwater encroachment in several local aquifers, and land subsidence caused by over-pumping of groundwater. La. R.S. 38:3072(A) provides that "[T]here is hereby created the Capital Area Groundwater Conservation District, hereinafter called "district," which shall be a body politic and corporate and a political subdivision of the state of Louisiana and shall be composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana." The aquifers under the District's jurisdiction provide these parishes with water.

4.

The CAGWCC governs the District and commenced doing so in 1975. La. R.S. 38:3072(B) provides that "[T]here is hereby created a board of commissioners for the Capital Area Groundwater Conservation District who shall administer the affairs of the district. The membership of the board shall be as provided by R.S. 38:3074."

5.

The mission of the CAGWCC is to provide for the efficient administration, conservation, orderly development, and supplementation of groundwater resources in the six parishes located within the District. According to La. R.S. 38:3074, there must be eighteen (18) members of the CAGWCC and must be appointed as follows [in pertinent part]:

> (2) Three members shall be appointed from nominations by the industrial users in the district.
>
> (3) Three members shall be appointed from nominations by privately or publicly owned entities that furnish water for rural or municipal use within the district. One of the three members shall be from nominations by privately owned users furnishing a municipal water supply.

6.

Georgia-Pacific is an "industrial user" of groundwater under the CAGWCC's jurisdiction. Georgia-Pacific pumps groundwater from wells drilled in the various aquifers, or "sands," within the District. Pursuant to the CAGWCC's enabling legislation, the CAGWCC charges Georgia-Pacific quarterly for the gallons of water pumped within the preceding three months.

7.

In accordance with La. R.S. 38:3074(2), Mr. Albritton was nominated to the CAGWCC by Georgia-Pacific and then appointed by Governor Bobby Jindal. Mr. Albritton was first commissioned as a Member of the CAGWCC on February 7, 2014 and his term expired on December 1, 2016.

8.

Mr. Albritton was again nominated to serve as a member on the CAGWCC by Georgia-Pacific and then appointed by Governor John Bel Edwards. Mr. Albritton's second commission commenced on December 29, 2016 and his second term expired on December 1, 2019. Mr. Albritton has not been commissioned for another term since the December 1, 2019 expiration; however, he still has voting power on the CAGWCC. Mr. Albritton's future membership on the CAGWCC depends on the outcome of the matter before the Ethics Adjudicatory Board.

9.

Since the commencement of his employment with Georgia-Pacific in 1993, Mr. Albritton has received an annual salary from Georgia-Pacific.

10.

La. R.S. 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 (25 %), 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 preformed nor compensated by any person from whom such public servant would be prohibited by La. R.S. 42:1115(A)(l) or (B) from receiving a gift.

11.

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 have a contractual, business, or financial relationship with the public servant's agency. **La. R.S. 42:1115(B)(1)** prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 conducts operations or activities that are regulated by the public employees' agency.

12.

Based on the foregoing facts, Mr. Albritton violated La. R.S. 42:1111(C)(2)(d) by virtue of his receipt of a thing of economic value (his Georgia-Pacific salary), for services provided to Georgia-Pacific, at a time when he was served as a member of the CAGWCC, and at a time when Georgia-Pacific had a contractual, business, or financial relationship with CAGWCC and/or at a time when Georgia-Pacific conducted operations or activities that are regulated by the CAGWCC.

13.

In accordance with La. R.S. 42:1141(C)(3)(b)(iv), the BOE designates LaToya D. Jordan and

Tracy M. Barker as the BOE's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics respectfully requests that the Ethics Adjudicatory Board: (1) conduct a hearing on the foregoing charge; (2) determine that Ronnie Albritton violated La. R.S. 42:1111(C)(2)(d);and, (3) assess the appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted during the public hearing on this matter or at another time deemed appropriated by the Ethics Adjudicatory Board.

Respectfully Submitted,

LOUISIANA BOARD OF ETHICS

Robert V. McAnelly, Chairman
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing *Charges* have been served on the Respondent by U.S. Registered or Certified Mail this 10th day of November 2020.

RESPONDENT:	Ronnie Albritton 22142 Sutter Road Zachary , Louisiana 70791
ATTORNEY:	R. Gray Sexton Aleisa M. Ardoin 8680 Bluebonnet Boulevard Suite D Baton Rouge, Louisiana 70810 Email: graysexton@sextonlaw.net Email: alesiaardoin@sextonlaw.net

LaToya D. Jordan

LATOYA D. JORDAN
Trial Attorney

STATE OF LOUISIANA

THE LOUISIANA BOARD OF ETHICS

IN THE MATTER OF	*	**DOCKET NO. 2020-_____-ETHICS__**
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NELSON MORVANT	*	**AGENCY TRACKING NO. 2019-632**

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CHARGES

The Louisiana Board of Ethics ("BOE") voted on November 5, 2020 to and **DOES HEREBY** file the following charge:

1.

Nelson Morvant ("Mr. Morvant") is currently an employee of Entergy Louisiana, LLC ("Entergy"). Mr. Morvant's employment with Entergy commenced on June 9, 2014. Currently, Mr. Morvant is a Senior Environmental Analyst at Entergy, assuming that position within the last two (2) years.

2.

Entergy serves approximately 1.09 million electric customers in 58 parishes of Louisiana. In Baton Rouge, Entergy also provides natural gas service to approximately 94,000 customers. Entergy has drilled wells in several aquifers under the jurisdiction of the Capital Area Ground Water Conservation Commission ("CAGWCC"). Entergy uses groundwater to operate.

3.

As evidenced by La. R.S. 38:3072, the Capital Area Ground Water Conservation District ("District") was created by the Louisiana Legislature through Act 678 of 1974 due to concerns in the region, including water level declines, saltwater encroachment in several local aquifers, and land subsidence caused by over-pumping of groundwater. La. R.S. 38:3072(A) provides that "[T]here is hereby created the Capital Area Groundwater Conservation District, hereinafter called

"district," which shall be a body politic and corporate and a political subdivision of the state of Louisiana and shall be composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana." The aquifers under the District's jurisdiction provide these parishes with water.

4.

The CAGWCC governs the District and commenced doing so in 1975. La. R.S. 38:3072(B) provides that "[T]here is hereby created a board of commissioners for the Capital Area Groundwater Conservation District who shall administer the affairs of the district. The membership of the board shall be as provided by R.S. 38:3074."

5.

The mission of the CAGWCC is to provide for the efficient administration, conservation, orderly development, and supplementation of groundwater resources in the six parishes located within the District. According to La. R.S. 38:3074, there must be eighteen (18) members of the CAGWCC and must be appointed as follows [in pertinent part]:

> (2) Three members shall be appointed from nominations by the industrial users in the district.
>
> (3) Three members shall be appointed from nominations by privately or publicly owned entities that furnish water for rural or municipal use within the district. One of the three members shall be from nominations by privately owned users furnishing a municipal water supply.

6.

Entergy was an industrial user of Baton Rouge groundwater under the CAGWCC's jurisdiction. Pursuant to the CAGWCC's enabling legislation, the CAGWCC would charge Entergy quarterly for the gallons of water pumped within the preceding three months. Until June 1, 2019, Entergy contracted with ExxonMobil to operate and maintain a power plant, referred to

as the Louisiana Station plant, at the ExxonMobil refinery in Baton Rouge. While it operated the Louisiana Station plant, Entergy was an industrial user of Baton Rouge groundwater. On June 1, 2019, EthosEnergy took over operation of the Louisiana Station plant and continues to pump Baton Rouge groundwater.

7.

In accordance with La. R.S. 38:3074(2), Mr. Morvant was nominated to the CAGWCC by Entergy and then appointed by Governor Bobby Jindal. Mr. Morvant was first commissioned as a Member of the CAGWCC on December 12, 2014 and his term expired on December 1, 2017.

8.

Mr. Morvant was again nominated to serve as a member on the CAGWCC by Entergy and then appointed by Governor John Bel Edwards. Mr. Morvant's second commission commenced on December 8, 2017 and his second term will expire on December 1, 2020. Mr. Morvant served as Vice Chairman of the CAGWCC for the years 2018 and 2019. Mr. Morvant currently serves as Chairman of the CAGWCC for 2019 and 2020.

9.

Since the commencement of his employment with Entergy in 2014, Mr. Morvant has received an annual salary from Entergy.

10.

La. R.S. 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 (25 %), 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 preformed nor

compensated by any person from whom such public servant would be prohibited by La. R.S. 42:1115(A)(l) or (B) from receiving a gift.

11.

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 have a contractual, business, or financial relationship with the public servant's agency. **La. R.S. 42:1115(B)(1)** prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 conducts operations or activities that are regulated by the public employees' agency.

12.

Based on the foregoing facts, Mr. Morvant violated La. R.S. 42:1111(C)(2)(d) by virtue of his receipt of a thing of economic value (his Entergy salary), for services provided to Entergy, at a time when he was served as a member of the CAGWCC, and at a time when Entergy had a contractual, business, or financial relationship with CAGWCC and/or at a time when Entergy conducted operations or activities that are regulated by the CAGWCC.

13.

In accordance with La. R.S. 42:1141(C)(3)(b)(iv), the BOE designates LaToya D. Jordan and Tracy M. Barker as the BOE's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics respectfully requests that the Ethics Adjudicatory Board: (1) conduct a hearing on the foregoing charge; (2) determine that Nelson Morvant violated La. R.S. 42:1111(C)(2)(d);and, (3) assess the appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted during the public hearing on this matter or at another time deemed appropriated by the Ethics Adjudicatory Board.

Respectfully Submitted,

LOUISIANA BOARD OF ETHICS

Robert V. McAnelly, Chairman
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing *Charges* have been served on the Respondent by U.S. Registered or Certified Mail this 12th day of November 2020.

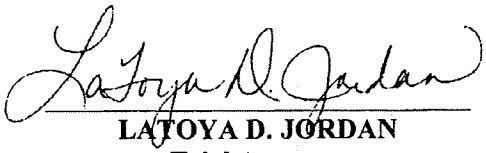
RESPONDENT:

Nelson Morvant
14467 Tiggy Duplessis Road
Gonzales , Louisiana 70737

ATTORNEY:

R. Gray Sexton
Aleisa M. Ardoin
8680 Bluebonnet Boulevard
Suite D
Baton Rouge, Louisiana 70810

Email: graysexton@sextonlaw.net
Email: alesiaardoin@sextonlaw.net



LATOYA D. JORDAN
Trial Attorney

STATE OF LOUISIANA

THE LOUISIANA BOARD OF ETHICS

IN THE MATTER OF	*	**DOCKET NO. 2020-_____-ETHICS__**
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	*	
DENNIS McGEHEE	*	**AGENCY TRACKING NO. 2019-632**

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CHARGES

The Louisiana Board of Ethics ("BOE") voted on July 2, 2020 to and **DOES HEREBY** file the following charge:

1.

Dennis McGehee ("Mr. McGehee") is currently an employee of Baton Rouge Water Company ("BR Water"). Mr. McGehee's employment with BR Water commenced on December 26, 1984, where he served as a Water Production Foreman. Currently, Mr. McGehee is a Water Production Manager at BR Water.

2.

BR Water operates sixty-five (65) groundwater wells in various sands of the Southern Hills aquifer system, which are all under the jurisdiction of the Capital Area Ground Water Conservation Commission ("CAGWCC"). The groundwater is collected from deep wells throughout the service area and transported by BR Water to its facilities. BR Water ensures that the water is safe for human consumption and delivers it to the Baton Rouge area on a continuous basis.

3.

As evidenced by La. R.S. 38:3072, the Capital Area Ground Water Conservation District ("District") was created by the Louisiana Legislature through Act 678 of 1974 due to concerns in the region, including water level declines, saltwater encroachment in several local aquifers, and land subsidence caused by over-pumping of groundwater. La. R.S. 38:3072(A) provides that

"[T]here is hereby created the Capital Area Groundwater Conservation District, hereinafter called "district," which shall be a body politic and corporate and a political subdivision of the state of Louisiana and shall be composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana." The aquifers under the District's jurisdiction provide these parishes with water.

4.

The CAGWCC governs the District and commenced doing so in 1975. La. R.S. 38:3072(B) provides that "[T]here is hereby created a board of commissioners for the Capital Area Groundwater Conservation District who shall administer the affairs of the district. The membership of the board shall be as provided by R.S. 38:3074."

5.

The mission of the CAGWCC is to provide for the efficient administration, conservation, orderly development, and supplementation of groundwater resources in the six parishes located within the District. According to La. R.S. 38:3074, there must be eighteen (18) members of the CAGWCC and must be appointed as follows [in pertinent part]:

> (2) Three members shall be appointed from nominations by the industrial users in the district.
>
> (3) Three members shall be appointed from nominations by privately or publicly owned entities that furnish water for rural or municipal use within the district. One of the three members shall be from nominations by privately owned users furnishing a municipal water supply.

6.

BR Water is a privately-owned user that furnishes a municipal water supply. BR Water pumps groundwater from wells drilled in the various aquifers, or "sands," within the District. In accordance with La. R.S. 38:3079, payments are made quarterly to the CAGWCC by BR Water

and other groundwater users for groundwater "pumping charges." The CAGWCC invoices BR Water quarterly for the amount of groundwater pumped during the preceding three months. BR Water then collects payments from its customers, which are the amounts due to the CAGWCC for their individual water usage and remits those funds to the CAGWCC. BR Water operates as a "pass through" for the payments owed to the CAGWCC for BR Water's customers' water usage.

7.

In accordance with La. R.S. 38:3074(3), Mr. McGehee was nominated to the CAGWCC by BR Water and then appointed by Governor Bobby Jindal. Mr. McGehee was first commissioned as a Member of the CAGWCC on April 15, 2010 and his term expired on January 22, 2011.

8.

Mr. McGehee was again nominated to serve as a member on the CAGWCC by BR Water and then appointed by Governor Bobby Jindal. Mr. McGehee's second commission commenced on January 13, 2012 and his second term expired on December 1, 2014.

9.

For a third time, Mr. McGehee was nominated to serve as a member on the CAGWCC by BR Water and then appointed by Governor John Bel Edwards. Mr. McGehee's third commission commenced on January 5, 2018 and his term is set to expire on December 1, 2020.

10.

Since the commencement of his employment with BR Water in 1984, Mr. McGehee has received an annual salary from BR Water.

11.

La. R.S. 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 (25 %), 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 preformed nor compensated by any person from whom such public servant would be prohibited by La. R.S. 42:1115(A)(l) or (B) from receiving a gift.

12.

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 have a contractual, business, or financial relationship with the public servant's agency. **La. R.S. 42:1115(B)(1)** prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 conducts operations or activities that are regulated by the public employees' agency.

13.

Based on the foregoing facts, Mr. McGehee violated La. R.S. 42:1111(C)(2)(d) by virtue of his receipt of a thing of economic value (his BR Water salary), for services provided to BR Water, at a time when he was served as a member of the CAGWCC, and at a time when BR Water had a contractual, business, or financial relationship with CAGWCC and/or at a time when BR Water conducted operations or activities that are regulated by the CAGWCC.

14.

In accordance with La. R.S. 42:1141(C)(3)(b)(iv), the BOE designates LaToya D. Jordan and Tracy M. Barker as the BOE's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics respectfully requests that the Ethics Adjudicatory Board: (1) conduct a hearing on the foregoing charge; (2) determine that Dennis McGehee violated La. R.S. 42:1111(C)(2)(d);and, (3) assess the appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted during the public hearing on this matter or at another time deemed appropriated by the Ethics Adjudicatory Board.

Respectfully Submitted,

LOUISIANA BOARD OF ETHICS

Robert V. McAnelly, Chairman
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing *Charges* have been served on the Respondent by U.S. Registered or Certified Mail this 17th day of July 2020.

RESPONDENT:

Dennis McGehee
10735 Shoe Creek Drive
Baton Rouge, Louisiana 70818

ATTORNEYS:

Brett P. Furr
Caroline Darwin
450 Laurel Street, 8th Floor
Baton Rouge, Louisiana 70801

P.O. Box 2471
Baton Rouge, Louisiana 70821

Email: brett.furr@taylorporter.com
Email: caroline.darwin@taylorporter.com

LATOYA D. JORDAN
Trial Attorney

VVBFFVGX CBV STATE OF LOUISIANA

THE LOUISIANA BOARD OF ETHICS

IN THE MATTER OF	*	**DOCKET NO. 2020-_____-ETHICS__**
	*	
	*	
	*	
RYAN SCARDINA	*	**AGENCY TRACKING NO. 2019-632**

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CHARGES

The Louisiana Board of Ethics ("BOE") voted on July 2, 2020 to and **DOES HEREBY** file the following charge:

1.

Ryan Scardina ("Mr. Scardina") is currently an employee of Baton Rouge Water Company ("BR Water"). Mr. Scardina's employment with BR Water commenced on June 28, 1982, where he served as an Engineering Aide. Currently, Mr. Scardina is a Technical Services Manager and has held that position since November 28, 2016.

2.

BR Water operates sixty-five (65) groundwater wells in various sands of the Southern Hills aquifer system, which are all under the jurisdiction of the Capital Area Ground Water Conservation Commission ("CAGWCC"). The groundwater is collected from deep wells throughout the service area and transported by BR Water to its facilities. BR Water ensures that the water is safe for human consumption and delivers it to the Baton Rouge area on a continuous basis.

3.

As evidenced by La. R.S. 38:3072, the Capital Area Ground Water Conservation District ("District") was created by the Louisiana Legislature through Act 678 of 1974 due to concerns in the region, including water level declines, saltwater encroachment in several local aquifers, and land subsidence caused by over-pumping of groundwater. La. R.S. 38:3072(A) provides that

"[T]here is hereby created the Capital Area Groundwater Conservation District, hereinafter called "district," which shall be a body politic and corporate and a political subdivision of the state of Louisiana and shall be composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana." The aquifers under the District's jurisdiction provide these parishes with water.

4.

The CAGWCC governs the District and commenced doing so in 1975. La. R.S. 38:3072(B) provides that "[T]here is hereby created a board of commissioners for the Capital Area Groundwater Conservation District who shall administer the affairs of the district. The membership of the board shall be as provided by R.S. 38:3074."

5.

The mission of the CAGWCC is to provide for the efficient administration, conservation, orderly development, and supplementation of groundwater resources in the six parishes located within the District. According to La. R.S. 38:3074, there must be eighteen (18) members of the CAGWCC and must be appointed as follows [in pertinent part]:

> (2) Three members shall be appointed from nominations by the industrial users in the district.
>
> (3) Three members shall be appointed from nominations by privately or publicly owned entities that furnish water for rural or municipal use within the district. One of the three members shall be from nominations by privately owned users furnishing a municipal water supply.

6.

BR Water is a privately-owned user that furnishes a municipal water supply. BR Water pumps groundwater from wells drilled in the various aquifers, or "sands," within the District. In accordance with La. R.S. 38:3079, payments are made quarterly to the CAGWCC by BR Water

and other groundwater users for groundwater "pumping charges." The CAGWCC invoices BR Water quarterly for the amount of groundwater pumped during the preceding three months. BR Water then collects payments from its customers, which are the amounts due to the CAGWCC for their individual water usage and remits those funds to the CAGWCC. BR Water operates as a "pass through" for the payments owed to the CAGWCC for BR Water's customers' water usage.

7.

In accordance with La. R.S. 38:3074(3), Mr. Scardina was nominated to the CAGWCC by BR Water and then appointed by Governor John Bel Edwards. Mr. Scardina was first commissioned as a Member of the CAGWCC on June 9, 2017 and his term expired on December 1, 2019.

8.

Mr. Scardina was again nominated to serve as a member on the CAGWCC by BR Water and then appointed by Governor John Bel Edwards. Mr. Scardina's second commission commenced on February 16, 2020 and his term is set to expire on December 1, 2022.

9.

Since the commencement of his employment with BR Water in 1982, Mr. Scardina has received an annual salary from BR Water.

10.

La. R.S. 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 (25 %), 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 preformed 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.

11.

La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 have a contractual, business, or financial relationship with the public servant's agency. **La. R.S. 42:1115(B)(1)** prohibits a public employee from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from 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 conducts operations or activities that are regulated by the public employees' agency.

12.

Based on the foregoing facts, Mr. Scardina violated La. R.S. 42:1111(C)(2)(d) by virtue of his receipt of a thing of economic value (his BR Water salary), for services provided to BR Water, at a time when he was served as a member of the CAGWCC, and at a time when BR Water had a contractual, business, or financial relationship with CAGWCC and/or at a time when BR Water conducted operations or activities that are regulated by the CAGWCC.

13.

In accordance with La. R.S. 42:1141(C)(3)(b)(iv), the BOE designates LaToya D. Jordan and Tracy M. Barker as the BOE's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics respectfully requests that the Ethics Adjudicatory Board: (1) conduct a hearing on the foregoing charge; (2) determine that Ryan Scardina violated La. R.S. 42:1111(C)(2)(d);and, (3) assess the appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted during the public hearing on this matter or at another time deemed appropriated by the Ethics Adjudicatory Board.

Respectfully Submitted,

LOUISIANA BOARD OF ETHICS

Robert V. McAnelly, Chairman
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing *Charges* have been served on the Respondent by U.S. Registered or Certified Mail this 17th day of July 2020.

RESPONDENT:

Ryan Scardina
21021 Vermont Street
Livingston, Louisiana 70754

ATTORNEYS:

Brett P. Furr
Caroline Darwin
450 Laurel Street, 8th Floor
Baton Rouge, Louisiana 70801

P.O. Box 2471
Baton Rouge, Louisiana 70821

Email: brett.furr@taylorporter.com
Email: caroline.darwin@taylorporter.com

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LATOYA D. JORDAN
Trial Attorney