Date

Ms. Jane M. Dye
(through counsel of record)
Pauline M. Warriner
Matthews and Warriner,. LLC.
230 Oliver St.
New Orleans, LA 70114

Re: Docket No. 2022-096
Advisory Opinion

Dear Ms. Dye:

The Louisiana Board of Ethics ("Board"), at its April 8, 2022 meeting, considered your request for an advisory opinion regarding whether the post-employment restrictions in the Code of Governmental Ethics (the "Code") would prohibit you from shifting from your full-time position as Chief Executive Officer ("CEO") of Belle Chasse Academy ("Academy") to a part-time position with the Academy.

FACTS PROVIDED

You provided that the Academy is a 501(c)(3) nonprofit charter school organization located in Belle Chasse, Louisiana. You currently serve as the full-time CEO of the Academy. You would like to take a part-time position with the Academy as you wind down your many years of service. Your part-time position would be a W-2 position. There would be no lapse in time of service from CEO to part-time. In the part-time position you intend to assist and train the new CEO for the Academy.

ISSUE

Whether La. R.S. 42:1121A(1) would prohibit you from leaving your position as CEO of the Academy to take a part-time position.

LAW

La. R.S. 42:1121A(1) provides no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that former agency or render any service on a contractual basis to or for such agency.

DISCLAIMER
This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

ANALYSIS

Under the post-employment restrictions found in La. R.S. 42:1121A(1),you would not be terminating your public employment; therefore, the post-employment restrictions of the Code would not apply to you since you are not terminating your status as an employee of the Academy. However, it would prohibit you from providing the services on a contractual basis.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from accepting a part-time position with the Academy as a W-2 employee.

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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