

LOUISIANA BOARD OF ETHICS  
MINUTES  
January 5, 2024

The Board of Ethics met on January 5, 2024 at 9:02 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bryant, Colomb, Couvillon, Ellis, Grand, Grimley, Lavastida, Roberts and Speer present. Board Members Baños and Scott were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Mallory Guillot, Jessica Meiners and Charles Reeves.

The Board deferred the Public Hearing on an Application for Declaratory Opinion in Docket No. 23-435 submitted on behalf of the Jefferson Parish Fire Fighters Association - Local 1374 - International Association of Fire Fighters until after the appearances.

Judge Marissa A. Hutabarat, 1<sup>st</sup> City Court, Section B, Orleans Parish, appeared before the Board in Docket No. 23-900 regarding an untimely request that the Board waive the \$2,500, \$1,000 and \$300 campaign finance late fees totaling \$3,800 assessed against her in connection with the July 11, 2020 election for the 2022 Supplemental campaign finance disclosure report that as filed 27 days late; and, the March 25, 2023 election for the two (2) Special campaign finance disclosure reports that were filed 10 and 3 days late, respectively. On motion made, seconded and unanimously passed, the Board considered the untimely waiver request. A motion was made to decline to waive, but failed for a lack of a second. On motion made, seconded and unanimously passed, the Board suspended all but \$2,500 based on future compliance.

Jan Swift, an unsuccessful candidate for City of Lafayette Mayor-President in the October 14, 2023 election, appeared before the Board in Docket No. 23-901 regarding a request that the Board waive the \$720 campaign finance late fees assessed against her for her 2022

Annual campaign finance disclosure report that was filed 12 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

Board Member Couvillon recused herself from voting on Docket No. 23-858.

Councilman Gary E. Johnson, District 2, City of Alexandria, appeared before the Board in Docket No. 23-858 regarding a request that the Board waive the three \$1,000 campaign finance late fees totaling \$3,000 assessed against him in connection with the November 8, 2022 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 90, 70 and 40 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all but \$500 based on future compliance.

The Board considered the following item on the General Supplemental Agenda.

Dane S. Ciolino, counsel for Governor John Bel Edwards and Jim Swansen, Attorney for the law firm Fishman Haygood LLP appeared before the Board in Docket No. 23-1076 regarding an advisory opinion request as to the propriety of Governor John Bel Edwards serving as “special counsel” for the law firm Fishman Haygood LLP after he leaves public office. On motion made, seconded and unanimously passed, the Board deferred the advisory opinion to the February meeting.

The Board took a recess from 11:20 a.m. to 11:39 a.m.

Ms. Alesia Ardoin, attorney for the Jefferson Parish Fire Fighters Association - Local 1374 - International Association of Fire Fighters (“Union”), appeared before the Board in connection with the public hearing conducted in Docket No. 23-435 regarding whether the Code of Governmental Ethics prohibits the Union from paying for legal services in connection with the representation of its members in matters before the Jefferson Parish Fire Civil Service Board while one of its Officers or Trustee serves as the elected member of the Civil Service Board. Ms.

Ardoin, as well as staff attorneys David Bordelon and Kathleen Allen answered questions for the Board.

On motion made, seconded and unanimously passed, the Board left General Session and moved into Executive Session at 11:54 a.m. to discuss the pending Declaratory Opinion Application in Docket No. 23-435.

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### EXECUTIVE SESSION

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On motion made, seconded and unanimously passed, the Board moved into General Session at 12:17 p.m.

On motion made, seconded and unanimously passed, the Board, in connection with the Declaratory Opinion Application in Board Docket No. 23-435, adopted the following findings of fact and law: 1) Section 1111E(1) of the Code of Governmental Ethics prohibits the union from receiving dues from union members in exchange for providing legal services to union members in connection with hearings before the Civil Service Board while an appointed member of the Civil Service Board also serves as a trustee in the union. 2) Section 1111E(1) prohibits the union from receiving dues from union members in exchange for providing legal services to union members in connection with hearings before the Civil Service Board while an individual serve as an appointed member of the Civil Service Board while also serving as an officer of the union. 3) The Code of Governmental Ethics does not prohibit the union from providing legal assistance to its members in hearings before the Civil Service Board while a regular member of the union serves as an appointed member of the Civil Service Board. The union has to decide what is more valuable, having an officer or trustee on the Civil Service Board or providing legal assistance to

union members. Section 1111E(1) of the Code of Governmental Ethics prohibits both from occurring simultaneously. The Board will adopt the final draft of the Declaratory Opinion at the March meeting. The Declaratory Opinion hearing was concluded at 12:22 p.m.

The Board considered a waiver request in Docket No. 23-972 regarding the \$760 campaign finance late fee assessed against Kimberly Powers, an unsuccessful candidate for Member of School Board, District, Central Community in the November 8, 2022 election, whose 10-G campaign finance disclosure report was filed 19 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$760 campaign finance late fee since filer failed to state good cause which is outside of the control of filer.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G5-G17 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G5-G17, excluding items G6, G7, G8, G10, G12 and G15, taking the following action:

The Board considered an advisory opinion request and proposed disqualification plan in Docket No. 22-895 regarding whether Stephanie Cormane's family business, Cormane's Sewer Systems LLC, may transact business with Northwestern State University while she is employed in the Accounting and Reporting Department at Northwestern State University. On motion made, seconded and unanimously passed, the Board concluded that Cormane's Sewer Systems, LLC is not prohibited from transacting business with Northwestern State University since her agency will neither contract with nor utilize the services of Ms. Cormane's family business,

Cormane's Sewer Systems, LLC. Additionally, the Board concluded that the proposed disqualification plan meets the requirements provided in La. R.S. 42:1112C.

The Board considered an advisory opinion request in Docket No. 23-881 from Amy Casey, Executive Director of the Louisiana Motor Vehicle Commission ("LMVC"), regarding the renewal of a sales finance license by her brother, Daniel Casey, Jr. On motion made, seconded and unanimously passed, the Board concluded that Daniel Casey Jr., is not prohibited by the Code of Governmental Ethics from renewing his sales finance license with the LMVC while Amy Casey serves as LMVC Executive Director. The Code of Governmental Ethics prohibits Amy Casey from participating in any transaction in which her brother has a substantial economic interest and requires that Ms. Casey submit a disqualification plan for approval.

The Board considered an advisory opinion request in Docket No. 23-933 regarding the City of Opelousas Police Chief's son working as a reserve officer for the Opelousas Police Department. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics prohibits Traven J. LeBlanc from working as a reserve officer for the Opelousas Police Department while his father, Graig J. LeBlanc, is the Chief of Police.

The Board considered an advisory opinion request in Docket No. 23-994 regarding whether the Code of Governmental Ethics prohibits Charlotte Dover from serving as Registrar for the Registrar's Office at the University of New Orleans ("UNO") while her husband is employed with the Registrar's Office. On motion made, seconded and unanimously passed, the Board concluded that since Charlotte Dover's husband has been employed with the Registrar's Office at UNO for more than one year, he may continue his employment within the Registrar's Office if Mrs. Dover becomes the Registrar. If Mrs. Dover become the Registrar, the Board instructed her to submit a disqualification plan for approval.

The Board considered an advisory opinion request in Docket No. 23-995 regarding Reginald McMasters serving as a member of the Washington Parish Council and the Board of Directors for the Rural Franklinton Water Corporation. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit the Water Corporation from applying for and receiving funding from Washington Parish while Reginald McMasters serves as both a member of the Board of Directors and an elected member to the Washington Parish Council. However, the Code of Governmental Ethics prohibits Mr. McMasters from receiving compensation from the Water Corporation, if it enters into a contract with the Washington Parish Council. Further, the Code of Governmental Ethics requires Mr. McMasters to recuse himself from voting on any matter that may come before the Washington Parish Council involving the Water Corporation.

The Board considered an advisory opinion request in Docket No. 23-1004 from Harry Vorhoff, Deputy Director of the Governor's Office of Coastal Activities, regarding post-employment restrictions. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics prohibits Mr. Vorhoff, for a period of two years following the termination of his employment with the Governor's Office of Coastal Activities, from assisting persons in transactions involving the State of Louisiana, if he participated in those transactions while employed by the State of Louisiana. The Code of Governmental Ethics will also prohibit Mr. Vorhoff from rendering the same services back to the Governor's Office of Coastal Activities through a contractual relationship with the Governor's Office of Coastal Activities.

The Board considered an advisory opinion request in Docket No. 23-1005 regarding Marketa Walters, former Secretary for the Department of Children and Family Services

("DCFS"), regarding post-employment restrictions. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Ms. Walters from being hired as interim executive director of Metanoia within the two years following her retirement as DCFS Secretary. Ms. Walters should seek an updated advisory opinion in the event a specific transaction arises which could potentially violate the post-employment restrictions of the Code of Governmental Ethics.

The Board considered an advisory opinion request in Docket No. 23-666 regarding whether a Fire Chief can work for two different fire departments. On motion made, seconded and unanimously passed, the Board declined to render an opinion.

The Board considered an advisory opinion request in Docket No. 23-759 regarding whether a nominee may serve on the Board of the Housing Authority of New Orleans while her mother works at the Housing Authority. On motion made, seconded and unanimously passed, the Board declined to render an opinion.

The Board considered an advisory opinion request in Docket No. 23-855 from Antiqua Hunter, an employee of the Louisiana Department of Education, regarding her outside employment providing educational consulting services. On motion made, seconded and unanimously passed, the Board deferred the matter until the February meeting.

The Board considered an advisory opinion request in Docket No. 23-929 from James Carinio, Jr., a former employee and district supervisor with Louisiana Rehabilitation Services ("LRS"), regarding his post-employment restrictions as a Job Placement Vendor for LRS. On motion made, seconded and unanimously passed, the Board deferred the matter until the February meeting.

The Board considered an advisory opinion in Docket No. 23-981 from the Calcasieu Parish School Board as to whether a company owned by a school board member may donate services to students and schools under the school board's jurisdiction, and whether the school board may acknowledge such donations. On motion made, seconded and unanimously passed, that based on the facts presented, the Board concluded that (1) Lake Area Adventures (“LAA”) may donate services to students and schools within the school board’s jurisdiction and (2) the school board and any schools within its jurisdiction are prohibited from advertising or acknowledging any donations by LAA.

The Board considered an advisory opinion request in Docket No. 23-1003 regarding whether the West Baton Rouge Parish Government can accept the donation of a right-of-use servitude from a company owned equally by the Parish President Riley Berthelot and his two sons. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Triple B Ranch, LLC from entering into an agreement with the West Baton Rouge Parish Government for the donation of the right-to-use servitude following the termination of Mr. Berthelot’s service as Parish President.

Board Member Bryant left the meeting at 12:52 p.m.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the December 7 and December 8, 2023 meetings.

Board Member Grimley left the meeting at 12:53 p.m.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G19-G21 en globo subject to any items being removed from the en globo listing for further discussion.



On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G19-G21, taking the following action:

The Board considered a consent opinion in Docket No. 19-852 regarding Jacolby Octave, a former board member of the Vacherie Volunteer Fire Department No. 1, improperly receiving of funds. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion and dismissed charges pending before the Ethics Adjudicatory Board.

The Board considered a consent opinion in Docket No. 22-197 regarding charges against Virginia Sutton, former Director of St. Mary Parish Recreation District No. 5, and Betty Jackson, independent contractor for the District, relating to their receipt of a thing of economic value that they were not duly entitled to receive for the performance of their job duties and responsibilities. On motion made, seconded and unanimously passed, the Board authorized staff to dismiss the charges pending against Ms. Sutton and Ms. Jackson since the consent opinion was adopted at the Board's December 8, 2023 meeting.

The Board considered a consent opinion in Docket No. 22-471 regarding Nivan Fields, an employee of the Jefferson Parish Community Action Programs Department, receiving a thing of economic value for services rendered to a person that has or is seeking to have a contractual, financial or business relationship with the Jefferson Parish Community Action Programs Department. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

Board Member Grimley returned to the meeting at 12:55 p.m.

Board Member Bryant returned to the meeting at 1:06 p.m.

Kathleen Allen presented a handout to the Board on 2024 Proposed Legislative Recommendations from staff. The Board instructed Ms. Allen to prepare a draft letter for submission to the Legislature and the Governor based on discussions for its consideration at the February 2, 2024 meeting.

Board Member Couvillon left the Board meeting at 1:04 p.m.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against candidates and committees included in item G23, en globo, subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in G23, taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously declined to waive the campaign finance late fees assessed against the following:

Docket No. 23-513 from Curtis Phillip Webber, 2022 SUPP of a \$600 late fee;  
Docket No. 23-857 from Derrick L. Henderson, 30-P of a \$320 late fee;  
Docket No. 23-947 from Reddex Washington, Jr., Special of a \$560 late fee;  
Docket No. 23-947 from Reddex Washington, Jr., Special of a \$480 late fee;  
Docket No. 23-947 from Reddex Washington, Jr., Special of a \$120 late fee;  
Docket No. 23-947 from Reddex Washington, Jr., 2021 ANNUAL of a \$1,000 late fee;  
Docket No. 23-947 from Reddex Washington, Jr., 2022 ANNUAL of a \$1,000 late fee;  
Docket No. 23-950 from Sam Earl Jones, 10-P of a \$300 late fee;  
Docket No. 23-951 from Mike Francis, 180-P of a \$2,500 late fee;  
Docket No. 23-970 from Bonnie Clements, Special of a \$520 late fee;  
Docket No. 23-971 from Charles R. Guillory, 30-P of a \$720 late fee;  
Docket No. 23-988 from Chaillie Daniel., 30-P of a \$240 late fee; and,  
Docket No. 23-988 from Chaillie Daniel., 30-P reassessment of a \$400 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously reduced to \$400 based on Section 1205C of the Rules for the Board of Ethics and declined to waive the campaign finance late fee assessed against the following:

Docket No. 23-856 from Kenny James Suire, Special of a \$1,000 late fee; and,  
Docket No. 23-857 from Derrick L. Henderson, 10-G of a \$1,000 late fee.

The Board considered a waiver request in Docket No. 23-908 submitted by Flynn A. Taylor, M.D., Coroner / Beauregard Parish, regarding a \$700 late fee assessed for filing his 2021 Tier 2 Annual personal financial disclosure 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee since there was no response when additional information was requested regarding Dr. Taylor's medical issues.

The Board unanimously declined to consider an untimely waiver request in Docket No. 23-910 submitted by Derrick L. Henderson, candidate for Councilman/District G, City of Shreveport/Bossier & Caddo Parishes, in the November 8, 2022 election, regarding a \$2,500 late fee assessed for filing his amended 2021 Tier 2 candidate personal financial disclosure 28 days late.

The Board unanimously agreed to take action on the reconsiderations of requests for "good cause" waivers of late fees assessed against individuals contained in item G26, en globo, subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in G26, excluding Docket No. 21-462 taking the following action:

The Board considered a reconsideration request in Docket No. 22-721 regarding its decision to decline to waive the \$600 campaign finance late fee assessed against Ian Cotton, an unsuccessful candidate for Constable / 2nd Justice Court, Jefferson Parish in the November 4, 2014 election, whose 10-P campaign finance disclosure report was filed 10 days late. On motion made, seconded and unanimously passed, the Board reaffirmed its decision to decline to waive the late fee since the filer failed to state good cause as required under Section 1157(A)(1)(b) of the Code of Governmental Ethics.

The Board considered a reconsideration request in Docket No. 23-647 regarding its decision to reduce the \$3,000 campaign finance late fee to \$2,000 that was assessed against the Ascension Parish Republican Executive Committee, a political action committee, its committee's chairperson, Richard Carmouche, and its treasurer, Alvin Bourque, whose 2022 Annual campaign finance disclosure report was filed 58 days late. On motion made, seconded and unanimously passed, the Board reaffirmed its decision to reduce the late fee to \$2,000 based on Rule 1205C and to decline to waive the campaign finance late fee.

The Board considered a reconsideration request in Docket No. 21-462 regarding its decision to suspend a portion of the \$2,500 campaign finance late fee assessed against C. Denise Marcelle, an unsuccessful candidate for Mayor-President, Metro Council, City of Baton Rouge, East Baton Rouge Parish in the November 3, 2020 election, whose 10-G campaign finance disclosure report was filed 32 days late. On motion made, seconded and unanimously passed, the Board for the 10-G report, reduced the \$2,500 late fee to \$400.

On motion made, seconded and unanimously passed, the Board adjourned at 1:43 p.m.

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Secretary

APPROVED:

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Chairwoman