

DATE

Charles Spies
Dickinson Wright, PLLC
1825 Eye Street, NW, Suite 900
International Square
Washington, D.C. 20006

Re: Docket No. 2024-469
Advisory Opinion

Dear Mr. Spies:

The Louisiana Board of Ethics (“Board”), at its June 6, 2025 meeting, considered your request for an advisory opinion, on behalf of Governor Jeffrey M. Landry, relating to the use of Form 413 and compliance with Section 1115.2 of the Louisiana Code of Governmental Ethics (the “Code”). Specifically, Governor Landry asks:

- (1) Whether he is required to file a financial disclosure on Form 413 in order to utilize the exception set forth in Section 1115.2 of the Code?
- (2) Whether he is required to sign Form 413 as the agency head and as the public servant accepting such complimentary lodging and/or transportation?
- (3) Whether his status as a constitutional officer affects his requirement under Section 1115.2 to file Form 413?

Issue No. 1: Whether Governor Landry is required to file Form 413 to utilize the exception in La. R.S. 42:1115.2?

La. R.S. 42:1102(9) defines “elected official” to mean any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate. La. R.S. 42:1102(12) defines “governmental entity” to mean the state or any political subdivision to which the elected official is elected. As the Governor of the State of Louisiana, Jeffrey M. Landry is an elected official, pursuant to La. R.S. 42:1102(9).

La. R.S. 42:1102(19) defines “public servant” to mean a public employee or elected official. Accordingly, Governor Landry is a public servant, pursuant to La. R.S. 42:1102(19).

With respect to the office of Governor, La. R.S. 42:1102(2)(a)(ii) defines the “agency” as the executive branch of state government. Accordingly, Governor Landry’s agency is the executive branch of state government, pursuant to La. R.S. 42:1102(2)(a)(ii).

La. R.S. 42:1102(3) defines “agency head” to mean the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency. As the Governor of the State of Louisiana, Governor Landry is the agency head of the executive branch of state government, pursuant to La. R.S. 42:1102(3).

La. R.S. 42:1111A prohibits a public servant from receiving anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

By Act 200 of the 2018 Regular Session, the Louisiana Legislature created an exception providing for the acceptance by a public servant of transportation, admission, and lodging given by a third party:

La. R.S. 42:1115.2(A): Admission to events; lodging, travel

The provisions of R.S. 42:1111 or 1115 shall not preclude the acceptance by a public servant of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, if the agency head of the public servant's agency certifies each of the following:

- (1) The public servant's acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, is either of direct benefit to the agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service.
- (2) The agency head approved the public servant's acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, prior to acceptance.

La. R.S. 42:1115.2(B): (1) Any public servant who accepts complimentary admission, lodging, or transportation, or reimbursement for such expenses, shall file with the Board of Ethics, within sixty days after such acceptance, a certification, on a form designed by the board, disclosing all of the following:

- (a) The date and location of complimentary admission, lodging, or transportation and a brief description of its purpose.
- (b) The name of the person who gave, provided, paid for, or reimbursed in whole or in part the admission, lodging, or transportation.
- (c) The amount expended on his behalf or reimbursed by the person for admission, lodging, and transportation.

(2) The certification required by this Subsection shall include the certifications of the agency head required by Subsection A of this Section.

Pursuant to La. R.S. 42:1111A, Governor Landry is prohibited from receiving anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

However, under the exception provided in La. R.S. 42:1115.2, a public servant may accept complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, in connection with the performance of their duties as a public servant, if certain conditions are met. Such conditions include that the public servant's agency head approves and certifies that such acceptance is either of direct benefit to the agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service.

In order to allow public servants to comply with La. R.S. 42:1115.2, the Board has developed Form 413, which allows public disclosure of complimentary admission, lodging, and reasonable transportation. Form 413 also includes the required certification of the appropriate agency head. Form 413 must be filed with the Board within sixty days after acceptance of such complimentary admission, lodging, and reasonable transportation.

As La. R.S. 42:1115.2 expressly requires certification of the agency head and the filing of public disclosure, the benefit of that exception will not inure to a public servant unless such certification and filing is made. The text of the statute prevents the Board from assuming that an agency head who accepts complimentary travel has approved such travel. Accordingly, Governor Landry is required to file Form 413 to receive such complimentary admission, lodging, and transportation which would otherwise be prohibited by La. R.S. 42:1111A(1)(a).

Issue No. 2: Whether Governor Landry is required to sign Form 413 as the agency head and as the public servant accepting such complimentary lodging and/or transportation?

As Governor Landry is both a public servant pursuant to La. R.S. 42:1102(19) and an agency head pursuant to La. R.S. 42:1102(3), each Form 413 regarding his acceptance of complimentary admission, travel, or lodging must be signed by him in his capacity as both the public servant accepting the benefit and the agency head certifying the approval as required by La. R.S. 42:1115.2.

Governor Landry must complete the "Agency Head Certification" section of Form 413 prior to the acceptance of the complimentary travel or lodging:

Agency Head Certification (to be completed prior to event attendance):

By my signature below, I, _____, (agency head printed name)

- Certify that the Public Servant's acceptance of the complimentary admission, lodging, and reasonable transportation, or reimbursement of such expense (check applicable box)
☐ is of direct benefit to the agency or
☐ will enhance the knowledge or skill of the Public Servant as it relates to the performance of his public service.
- Certify that I approved the Public Servant's acceptance of the complimentary admission, lodging, and reasonable transportation, or reimbursement of such expense prior to such acceptance.

AGENCY HEAD'S SIGNATURE: _____

Further, Governor Landry must complete the “Public Servant Attestation” section, along with the details of the complimentary travel or lodging:

Public Servant Attestation:

By my signature below, the above-provided information is true and correct to the best of my knowledge, information, and belief.

PUBLIC SERVANT’S SIGNATURE: _____

DATE: _____

Form 413, with both sections completed, must be filed with the Board within 60 days of the acceptance of the complimentary admission, travel, or lodging.

Issue No. 3: Whether Governor Landry’s status as a constitutional officer affects his requirement under Section 1115.2 to file Form 413?

With respect to your question as to whether Governor Landry’s status as a “Constitutional officer” affects his requirement to file Form 413, the Board notes that the Code does not contain the phrase “constitutional officer” and provides no definition for such a phrase. However, the definitions of “public servant” and “elected official” contained in La. R.S. 42:1102 make no differentiation as to the nature of the elected official’s status with respect to the state constitution: any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate is an “elected official,” and all elected officials are public servants. Accordingly, the provisions and requirements of the exception contained in La. R.S. 42:1115.2 apply to all public servants, which includes all elected officials.

CONCLUSION

Based on the facts presented, the Board concluded, and instructed me to inform you, that to qualify for the exception contained in La. R.S. 42:1115.2, Governor Landry is required to file Form 413 with the Board within sixty days of his receipt of complimentary admission, lodging, and transportation received in connection with his duties as Governor of the State of Louisiana. Form 413 requires his signatures as both the public servant accepting the benefit and in his capacity as the agency head certifying the approval meets the requirements of La. R.S. 42:1115.2.

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

David M. Bordelon
For the Board