STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

LOUISIANA BOARD OF ETHICS	*	**DOCKET NO.**
	*	
IN THE MATTER OF	*	
	*	
DR. JAMES SANDEFUR AND OPTOMETRY ASSOCIATION OF LOUISIANA	*	
	*	**AGENCY TRACKING NO. 2022-830**

CHARGES

The Louisiana Board of Ethics (the "BOE") voted on October 5, 2023 to and does hereby file the following Charges:

I.

RESPONDENTS

Made Respondents herein are:

Dr. James Sandefur, a person of the full age of majority, domiciled in the Parish of Allen with the last known address of 219 Blue Bush Road, Oakdale, Louisiana 71463; and

Optometry Association of Louisiana, a Louisiana non-profit corporation, with a registered address of 3817 Maplewood Drive, Sulphur, Louisiana 70663.

II.

JURISDICTION

1.

The BOE is an agency of the State of Louisiana domiciled in East Baton Rouge Parish, Louisiana.

2.

The BOE is authorized to file these Charges by virtue of the provisions of La. R.S. 42:1141C(3)(a) and (b); the Ethics Adjudicatory Board has jurisdiction of this matter pursuant to

La. R.S. 42:1141C(3)(a) and La. R.S. 42:1141.5; and East Baton Parish, the domicile of the BOE and Ethics Adjudicatory Board is the proper venue pursuant to La. R.S. 42:1141.3.

3.

In accordance with La. R.S. 42:1141C(3)(b)(iv), on October 5, 2023, the BOE designated all staff attorneys as trial attorneys in this matter with Charles E. Reeves, Jr. serving as the Lead Trial Attorney.

III.

ALLEGATIONS

1.

The Louisiana State Board of Optometry Examiners ("LSBOE") was created pursuant to La. R.S. 37:1041 *et seq*. The LSBOE was established within the Louisiana Department of Health to regulate the practice of optometry in the State of Louisiana. The LSBOE consists of six members appointed by the governor of the State of Louisiana, pursuant to La. R.S. 37:1042A. The LSBOE members elect the Secretary-Treasurer of LSBOE from among their members, pursuant to La. R.S. 37:1045A.

2.

Dr. Sandefur served as a member of the LSBOE for approximately 40 years, including from January 1, 2019 through November 2, 2021. Dr. Sandefur was elected Secretary-Treasurer of the LSBOE in 1995, and served continuously in that role until November 2, 2021. Dr. Sandefur resigned his positions as member and Secretary-Treasurer of the LSBOE effective November 2, 2021.

3.

As a member and Secretary-Treasurer of the LSBOE, Dr. Sandefur is a "public servant" as

defined by Section 1102(19) of the Ethics Code, and the LSBOE is his "agency" as defined by Section 1102(2)(a)(i) of the Ethics Code.

4.

Optometry Association of Louisiana ("OAL") is a Louisiana non-profit corporation incorporated on September 29, 1937. OAL was incorporated under the name "Louisiana State Association of Optometrists Inc.", but changed its name to "Optometry Association of Louisiana" effective March 6, 2003.

5.

Dr. Sandefur has been a member of the OAL since 1965. Dr. Sandefur served as the Executive Director of the OAL from 1996 through 2021. In his capacity as Executive Director of the OAL, Dr. Sandefur was responsible for collecting membership dues, organizing the annual convention and continuing education conferences, paying bills, preparing materials for board meetings, and monitoring legislation affecting the practice of optometry.

6.

For the years 2019 and 2020, OAL paid Dr. Sandefur monthly compensation of $6,767.00 for his service as Executive Director of the OAL. His compensation decreased in 2021. From January 1, 2019 through December 31, 2021, OAL paid Dr. Sandefur a total of $201,175.00.

7.

From September 2016 through December 2021, the Louisiana Department of Health leased approximately 950 square feet of office space (the "Leased Space") located at 419 Highway 165 North, Oakdale, Louisiana 71463 (the "Subject Building"), from John Carruth. The Leased Space was intended to be used by the LSBOE, and served as the main office of the LSBOE during that time. During the term of the lease, the LSBOE paid Mr. Carruth $600 per month.

8.

From January 2019 through December 2021, each of the LSBOE and the OAL listed 419 Highway 165 North, Oakdale, Louisiana 71463, as their main address. Upon information and belief, the OAL never paid Mr. Carruth for any use of the Subject Building.

9.

From January 2019 through December 2021, the LSBOE paid Cleco for electricity services and paid the City of Oakdale for water and sewage services at the Lease Space. Upon information and belief, the OAL never paid any utility providers for electricity, water and sewage services at the Subject Building.

10.

From January 2019 through December 2021, the LSBOE paid Canon Solutions America and Pitney Bowes for office supplies and postage. Upon information and belief, the OAL never paid any providers for office supplies and postage.

11.

From January 2019 through December 2021, the LSBOE paid for insurance associated with the Leased Space. Upon information and belief, the OAL never paid for any insurance coverage for use of the Subject Building.

12.

Upon information and belief, the Leased Space contained one copier machine that was used by each of the LSBOE and the OAL. Upon information and belief, office furniture and infrastructure, including file cabinets and a wireless router, were shared by each of the LSBOE and the OAL. Upon information and belief, a significant amount of the OAL's files were contained on computers owned by the LSBOE.

IV.

PROVISIONS OF LAW

The following provisions of the Louisiana Code of Governmental Ethics are implicated by the alleged facts stated herein:

(a) **La. R.S. 42:1111C(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, shall receive any thing 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 performed for nor compensated by any person from whom such public servant would be prohibited by R.S. 42:1115(A)(1) or (B) from receiving a gift.

(b) **La. R.S. 42:1115A** provides that no public servant shall solicit or accept, 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: (1) Has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency, or (2) Is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

(c) **La. R.S. 42:1117** provides that no public servant or other person shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of this Part.

(d) **La. R.S. 1102(2)(a)(i)** provides that the "agency" for a public servant in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities; except that in the case of the secretary, deputy secretary, or undersecretary of any such department and officials carrying out the responsibilities of such department officers it shall mean the department in which he serves.

(e) **La. R.S. 42:1102(13)** defines "governmental entity" to mean the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

(f) **La. R.S. 42:1102(16)** defines "person" to mean an individual or legal entity other than a governmental entity, or an agency thereof.

(g) **La. R.S. 42:1102(18)** defines "public employee" to mean anyone, whether compensated or not, who is (i) an administrative officer or official of a governmental entity who is not filling an elective office; (ii) appointed by any elected official when

acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof; (iii) engaged in the performance of a governmental function; (iv) under the supervision or authority of an elected official or another employee of the governmental entity.

(h) **La. R.S. 42:1102(19)** defines "public servant" to mean a public employee or an elected official.

(i) **La. R.S. 42:1102(22)(a)** defines "thing of economic value" to mean money or any other thing having economic value, except promotional items having no substantial resale value; pharmaceutical samples, medical devices, medical foods, and infant formulas in compliance with the Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., provided to a physician, health care professional, or appropriate public employee for the administration or dispensation to a patient at no cost to the patient; food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person, and, with reference to legislators and employees in the legislative branch of state government only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto, and includes but is not limited to: (i) any loan, except a bona fide loan made by a duly licensed lending institution at the normal rate of interest, any property interest, interest in a contract, merchandise, service, and any employment or other arrangement involving a right to compensation; (ii) any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option; (iii) any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

(j) **La. R.S. 42:1153A** Upon a determination that any elected official or other person has violated any provision of any law within the jurisdiction of the Board of Ethics except violations of the Campaign Finance Disclosure Act which shall be governed by Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, the Ethics Adjudicatory Board may censure the elected official or person, or impose a fine of not more than ten thousand dollars, or both.

(k) **La. R.S 42:1155A** If an investigation conducted pursuant to this Part reveals that any public servant or other person has violated any law within the jurisdiction of the Board of Ethics to his economic advantage, and after an adjudicatory hearing on the matter, the Ethics Adjudicatory Board may order the payment of penalties. Recovery may include, in addition to an amount equal to such economic advantage, penalties not to exceed one half of the amount of the economic advantage.

(l) **La. R.S. 42:1155B** The Ethics Adjudicatory Board is authorized to order the forfeiture of any gifts or payments made in violation of this Chapter.

V.

PRAYER FOR RELIEF

1.

Based on the foregoing facts, Dr. James Sandefur, while serving as both a member and the Secretary-Treasurer of the LSBOE, violated La. R.S. 42:1111C(2)(d) by receiving any thing of economic value for services rendered to a person that had or was seeking to have a contractual, financial or other business relationship with the LSBOE when he received compensation for services rendered to the OAL at a time when the OAL had business and financial relationships with the LSBOE.

2.

Based on the foregoing facts, Optometry Association of Louisiana violated La. R.S. 42:1117 by virtue of providing compensation to Dr. James Sandefur which Dr. Sandefur was prohibited from receiving by La. R.S. 42:1111C(2)(d).

WHEREFORE, the Louisiana Board of Ethics respectfully prays that:

(a) The Ethics Adjudicatory Board conduct a hearing on the foregoing charges;

(b) The Ethics Adjudicatory Board determine that Dr. James Sandefur violated La. R.S. 42:1111C(2)(d), with respect to the foregoing facts;

(c) The Ethics Adjudicatory Board determine that Optometry Association of Louisiana violated La. R.S. 42:1117, with respect to the foregoing facts;

(c) The Ethics Adjudicatory Board assess appropriate penalties in accordance with the Louisiana Code of Governmental Ethics; and

(d) The Ethics Adjudicatory Board only send electronic notices in this matter to the Lead Trial Attorney as designated above.

Respectfully submitted by:

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TRIAL ATTORNEY FOR THE LOUISIANA BOARD OF ETHICS

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Charges has been issued for service to each of Dr. James Sandefur and Optometry Association of Louisiana, by certified mail in accordance with La. R.S. 42:1141.4, on this 17th day of October, 2023.

Charles E. Reeves, Jr.
Lead Trial Attorney

SERVICE INFORMATION:

Dr. James Sandefur
219 Blue Bush Road
Oakdale, Louisiana 71463

Optometry Association of Louisiana
Through its registered agent:
Robert Janot
3817 Maplewood Drive
Sulphur, Louisiana 70663