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FAX COVER SHEET

Date: December 2, 2010

TO: **Kathleen Allen** **(225) 381-7271**

FROM: Courtney E. Alcock

RE: Ethics Opinion 2010-221

Number of Pages including cover: 4

Message:

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VIA FACSIMILE

Attn:Kathleen Allen
Louisiana Board of Ethics
PO Box 4368
Baton Rouge, LA 70821

Re: Ethics Opinion Number 2010-221

Dear Ms. Allen:

In the attached opinion, the Board opined that the 4% of total acreage of land required for a parish road expansion project owned by Hollywood Properties, Inc., whose shareholders are the brother and sister in law of Michel Claudet, the Terrebonne Parish President must be expropriated to avoid a violation of Section 1113 of the Ethics Code. The Board also opined that the Parish President must not participate in the expropriation of that property. This opinion was consistent with the Board's previous opinions[1] and fortunately provides an avenue to acquire the property needed for this long awaited project. In an effort to take every precaution to avoid actual or even the appearance of the Parish President's participation in the expropriation of Hollywood Properties, Inc. property, please submit the following request to the Board for an opinion:

Would any Section 1112 violation of the ethics code result if, upon action of the Parish Council, the expropriation of that parcel of property is turned over to the District Attorney for handling on behalf of the parish and outside of any supervision by the Parish Government or Parish President? It is my understanding that the District Attorney's Office, headed by a separately elected official, is considered by the Board as a separate political subdivision even though it may receive some local funding and insurance benefits through Terrebonne Parish Consolidated Government.

Please feel free to contact me should you require any additional information.

Sincerely,

COURTNEY E. ALCOCK
Parish Attorney

[1] See Ethics Opinions No. 2002-270, 2010-367

2010-221

Created By: Elizabeth Sanders on 06/01/2010 at 01:39 PM
Category: Ethics Advisory Opinions
Caption: An advisory opinion regarding the propriety of Terrebonne Parish acquiring property owned by the Parish President Michael Claudet's brother.

June 1, 2010

Courtney Alcock
P.O. Box 1905
Houma, LA 70361

RE: Ethics Board Docket No. 2010-221

Dear Ms. Alcock:

The Louisiana Board of Ethics, at its May 21, 2010 meeting, considered your request for an advisory opinion concerning the procedure by which the Terrebonne Parish Consolidated Government (TPCG) may acquire property owned by Hollywood Properties, Inc. Hollywood Properties, Inc. is wholly owned by Rene and Barbara Claudet, the brother and sister-in-law, of Michel Claudet, the Parish President. You state that the land to be acquired from Rene and Barbara Claudet consists of .156 acres and that the entire project includes approximately 3.758 acres with 32 different land owners.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics requires that the property be expropriated by the TPCG. Generally, Section 1113 of the Code prohibits an immediate family member of a public servant or a legal entity in which he owns a controlling interest from entering into transactions under the supervision and jurisdiction of his agency. However, the Board has concluded that no violation of the Code exists if the land is expropriated. However, Rene and Barbara Claudet would be required to disclose the income received from the TPCG, pursuant to Section 1114 of the Code. A copy of Section 1114 of the Code is enclosed for your reference.

The Board further concluded, and instructed me to inform you, that the Code of Governmental Ethics prohibits Michel Claudet, the Parish President, from participating in the expropriation of the land. Section 1112 prohibits Mr. Claudet from participating in a transaction in which his immediate family members or a legal entity in which they have a controlling interest has a personal substantial economic interest. A substantial economic interest is an economic interest which is of greater benefit to the public servant than to a general class or group of persons. Here, Hollywood Properties owns about 4% of the total acreage to be acquired by the TPCG which gives Hollywood Properties a substantial economic interest in the expropriation of the property.

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 Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental

Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board