

# LA Ethics

## *Selected Opinions of the Louisiana Board of Ethics*

**2010 in Review**

P.O. Box 4368, Baton Rouge, LA 70821  
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www.ethics.state.la.us

**January 2011**

## **ETHICS**

### **PROHIBITED TRANSACTIONS**

Michael "Mickey" Carroll violated Section 1111C(2)(d) of the Code of Governmental Ethics occurred by virtue of his performance of compensated services for Louisiana HomeCare, by way of his lease agreement with Louisiana HomeCare for the use of a building in exchange for monthly rental payments of \$2,500, at a time when Louisiana HomeCare had a business relationship with Mr. Carroll's agency, the Richland Parish Hospital Service District. Mr. Carroll agreed to pay a fine of \$10,000, of which \$5,000 is to be suspended, conditioned upon Mr. Carroll's future compliance with the Code of Governmental Ethics.

Jason Ebey, a member of the Webster Parish Convention and Tourism Bureau, violated Section 1112B (3) of the Code of Governmental Ethics by his participating and voting on matters involving the Minden-South Webster Chamber of Commerce while he was employed by the Chamber as its president. A violation of Section 1112D of the Code of Governmental Ethics occurred by his failure to resign from the Webster Parish Convention and Visitors Commission when matters involving the Minden-South Webster Chamber of Commerce came before the Commission, and a violation of Section 1111C (2) (d) of the Code of Governmental Ethics occurred by his providing compensated services to the Chamber as its president while the Chamber had a financial relationship with the Commission. Mr. Ebey agreed to pay a fine of \$500.

### **PARTICIPATION**

Charles Thibaut, a member of the Port of

Greater Baton Rouge Commission, violated Section 1112 of the Code of Governmental Ethics by participating in discussion and voting to allow the Port to financially and technically assist the Ascension Parish Economic Development Corporation in the process of selecting and certifying a deep water port mega-site, at a time when Crawford and Thibaut, Inc., a company in which Mr. Thibaut and his immediate family members had a substantial economic interest, owned land being considered as the deep water port mega-site. Mr. Thibaut agreed to pay a fine of \$1,000; Crawford and Thibaut, Inc., a company owned in part by Port of Greater Baton Rouge Commissioner Charles Thibaut and his immediate family members, violated Section 1113B of the Code of Governmental Ethics by the company's being in any way interested in the cooperative endeavor agreement by and between the Port of Greater Baton Rouge and the Ascension Economic Development Corporation, involving the selection and certification of a deep water mega-site, when one of the sites under consideration was owned by Crawford and Thibaut, Inc. Crawford and Thibaut, Inc. agreed to pay a fine of \$1,000.

The Board adopted an advisory opinion in Docket No. 10-676 concluding that no violation of the Code of Governmental Ethics is presented by Eric Skrmetta, a member of the Louisiana Public Service Commission (PSC), serving on a nonprofit board which receives a financial donation from a company that is regulated by the PSC. The Board further advised that (1) Section 1112B (3) of the Code of Governmental Ethics prohibits Mr. Skrmetta from participating in matters before the PSC involving the company that is making a financial donation to the nonprofit, on which he serves as a board member; and, (2) Section 1120 of the Code of Governmental Ethics provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The elected official is not prohibited from participating in discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate prior to any vote being taken.

## **NEPOTISM**

The Board adopted an advisory opinion in Docket No. 10-407 concluding that no violation of the Code of Governmental Ethics is presented by Dinah Brazzel's son continuing his employment as a police officer for the Town of Dubach Police Department if she is elected as Mayor of Dubach in the November 2010 election, as Ms. Brazzel's son will have been employed with the agency for one year prior to her being elected as the agency head of the Town of Dubach.

Carroll Duhon, a former member of the Vermilion Parish Police Jury, violated Section 1119 of the Code of Governmental Ethics by virtue of the employment of his daughter, Morgan Duhon Baumgardner, as the receptionist for the Vermilion Parish Waterworks District No. 1 while he served as a member of the Vermilion Parish Police Jury. Mr. Duhon agreed to pay a fine of \$500 that is to be suspended, conditioned upon future compliance with the Code of Governmental Ethics. Morgan Duhon Baumgardner violated Section 1119 of the Code of Governmental Ethics by virtue of her employment as the receptionist for the Vermilion Parish Waterworks District No. 1 while her father served as a member of the Vermilion Parish Police Jury and in which Ms. Duhon Baumgardner agrees to pay a fine of \$500 which is to be suspended conditioned upon future compliance with the Code of Governmental Ethics.

Chief Deputy Paul Alsup, Winn Parish Sheriff's Office, violated Section 1119A of the Code of Governmental Ethics by virtue of the employment of his son, Daniel Alsup, by the Winn Parish Sheriff's Office as a deputy under his supervision. Mr. Alsup agreed to pay a fine of \$2,500, of which \$1,500 is to be suspended, conditioned upon future compliance with the Code of Governmental Ethics.

## **OUTSIDE SERVICES & ACTIVITIES**

The Board adopted an advisory opinion in Docket No. 10-788 concluding that no violation of the Code is presented by Micky Dove, Chief of Police for Natchitoches, performing extra detail that is funded by a grant given to the police department by the Northwest Law Enforcement Planning Agency for the police department's involvement in Northwest's domestic violence program as the program is a matter that arises out of Chief Dove's employment with the police department and he does not have a substantial economic interest in the program.

The Board adopted an advisory opinion in Docket No. 10-564 concluding that no violation of the Code of Governmental Ethics is presented by Heather Stefan, an employee of the Louisiana Workforce Commission (LWC), pursuing part time employment opportunities as a consultant to labor organizations, both in and out of state, as Ms. Stefan's agency is the Apprenticeship Division of the LWC and the proposed consulting work for in state labor organizations is unrelated to her current job duties, and as the out of state organizations have no affiliation with her agency. The Board further advised that Section 1111C (2) (d) of the Code of Governmental Ethics will prohibit Ms. Stefan from providing any contract services to any person or entity that (1) has or is seeking to have a contractual, business or financial relationship with her agency; (2) conducts operations or activities which are regulated by her agency; or (3) has substantial economic interests which may be substantially affected by the performance or nonperformance of her official duty.

## **PROHIBITED PAYMENTS & GIFTS**

The Board adopted an advisory opinion in Docket No. 10-733 concluding that no violation of the Code of Governmental Ethics is presented by P.J. Hahn, Director of the Coastal Zone Management Department in Plaquemines Parish, being reimbursed for his personal scuba diving equipment by a company, Disaster Recovery Corporation (DRC), which has a contractual relationship with Plaquemines Parish, as Mr. Hahn was not performing compensated services for DRC, but rather the services were performed as a part of the duties and responsibilities of his employment with the Coastal Zone Management Department, and the reimbursement is not a *gift* or *gratuity* being received from a prohibited source.

The Board considered a request for an advisory opinion in Docket No. 10-678 regarding whether a board member on the Ascension Parish Fire Protection District #1 Board, who also serves as chief for a volunteer fire department, may participate in the Volunteer Incentive Pay Program. On motion made, seconded, and unanimously passed, the Board concluded that the Code of Governmental Ethics would prohibit the volunteer fire chief, who also serves as a member of the Ascension Parish Fire Protection District #1, from participating in the Volunteer Incentive Pay Program, since Section 1123 (1) of the Code of the Governmental Ethics only allows the participation of a volunteer fire chief on the Ascension Parish Fire Protection District #1 if no compensation is received for such service as fire chief.

## **POST EMPLOYMENT RESTRICTIONS**

Jeffery Key, an employee of LSU-Shreveport, violated Section 1121B of the Code of Governmental Ethics occurred by assisting Morris & Dickson, for compensation, in servicing the *Course Exchange* software systems, software that Mr. Key developed and serviced while an employee of LSU-Shreveport, within the two year period subsequent to his resignation as an employee of LSU-Shreveport. Mr. Key agrees to pay a fine of \$1,000, of which \$500 is to be suspended, conditioned upon Mr. Key's future compliance with the Code of Governmental Ethics.

The Board adopted an advisory opinion in Docket No. 10-330 concluding that no violation of the Code of Governmental Ethics is presented by Sherry Guarisco, the former Executive Director for the Division of Child Care & Early Childhood Education in the Department of Social Services, Office of Family Support, providing consulting services for companies that provide child care services, since Ms. Guarisco will not be assisting a person in a transaction which involves her former agency or providing services on a contractual basis to the Division of Child Care.

Mr. Charles Castille, the former Undersecretary for the Department of Health and Hospitals (DHH), appeared before the Board in Docket No. 10-628 in connection with a request for reconsideration of an advisory opinion regarding his post employment restrictions. After hearing from Mr. Castille, on motion made, seconded, and unanimously passed, the Board concluded that Section 1121A (1) of the Code of Governmental Ethics prohibits Mr. Castille, for a period of two years following his termination of employment with DHH, from assisting a person in transactions with the Bureau of Health Services Financing or any programs administered by this agency, including the Medicaid Program, since Mr. Castille served as the operational manager and overseer of the Bureau of Health Services Financing and, as such, Mr. Castille was the agency head of the Medicaid Program. The Board further advised that any legal entity in which Mr. Castille is employed will be prohibited, for a period of two years, following his termination of employment with DHH, from assisting another person in any transaction in which he participated as a public servant.

## **UNIQUE CIRCUMSTANCES**

Based on the unique circumstances of the privatization of governmental services, no violation of the Code of

Governmental Ethics is presented by former employees of the Department of Health and Hospitals (DHH) Office for Addictive Disorders (OAD), who are affected by the privatization of the OAD, contracting with the OAD or accepting employment from private contractors, as long as none of the employees took part in the decision to privatize.

## **ADDITIONAL INFORMATION**

**As of April 30, the *LA Ethics* e-newsletter will be available on the LA Ethics Administration Web site at [www.ethics.state.la.us](http://www.ethics.state.la.us) or through email delivery. As part of the administration's efforts in streamlining—and in going green—a hard copy quarterly will no longer be distributed. Please contact the administration's communications director at [Alainna.Giacone@la.gov](mailto:Alainna.Giacone@la.gov) to sign up for email delivery, or simply log on to the site on April 30 to see our new look and find out what's in the news for LA Ethics in 2011.**

If you would like to request an advisory opinion from the Board of Ethics regarding a particular ethical concern you may encounter, send your request—signed and in writing—to: Louisiana Board of Ethics; P.O. Box 4368; Baton Rouge, LA; 70821.

*Advisory opinions rendered by the Board of Ethics are based upon the particular facts presented. As such, the scope of each opinion is limited to the parties and facts involved in each case. However, the opinions may serve as a general guide to other individuals similarly situated.*

If you have any questions or would like more information, please visit the Louisiana Ethics Administration Web site at [www.ethics.state.la.us](http://www.ethics.state.la.us).

## NOTICES

Pursuant to the formula provided by Louisiana Revised Statute 42:1115.1, the Louisiana Board of Ethics approved an increase in the monetary limitation on the receipt of food and drink by a public servant or public employee from \$53 to \$54, effective July 1, 2010.



*Ethics Quarterly* is produced and published by the Louisiana Ethics Administration to highlight selected cases addressed by the Louisiana Board of Ethics. Specific questions with regard to a particular situation or issue should be directed to the Ethics Administration's office at P.O. Box 4368, Baton Rouge, LA 70821 or phone (225) 219-5600 or 1-800-842-6630. Three hundred copies of this public document were published in this first printing at a cost of \$240.00. The total cost of this document, including reprints, is \$240.00. This material was printed in accordance with standards for printing by state agencies established pursuant to La. R.S. 43:31.

### ***Louisiana Board of Ethics***

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