
The Louisiana Code of Governmental Ethics



Louisiana Section A&WMA
May 19, 2009

Introduction:

The Code of Governmental Ethics

- Addresses “Conflicts of Interest”
 - Applies to:
 - Elected Officials
 - Public Servants
 - Other persons
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The Board of Ethics

- 11 Members:
 - 7 appointed by the governor, with at least one from each congressional district
 - 2 elected by the Senate
 - 2 elected by the House of Representatives
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Duties of the Board of Ethics

- Administers and Enforces the Ethics Code.
 - Issues advisory opinions
 - Conducts investigations
 - Administers the Campaign Finance Disclosure Act.
 - Administers the Lobbyist Disclosure Acts.
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Changes to the Duties of the Board effective August 15, 2008

- All public hearings concerning violations of the Code will be conducted by the Ethics Adjudicatory Board (EAB)
 - The EAB will be composed of 7 administrative law judges
 - The EAB shall sit in panels of 3 judges to conduct public hearings
 - The EAB panel will determine whether there has been a violation and the appropriate penalty if applicable
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Who is an Executive Branch Lobbyist?

- An Executive Branch Lobbyist is:
 - Any person who acts in a representative capacity and makes and expenditure.
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What is Executive Branch Lobbying:

- “Lobbying” or “to Lobby”: means any direct act or communication with an executive branch official, the purpose of which is to aid in influencing an executive branch action.
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Who is Considered an “Executive Branch Official”

- An elected official, appointed official, or an employee of an Executive Branch Agency.
 - Executive branch agency means the state, any state office, department, board, commission, institution or any quasi public entity created in the Executive Branch of State Government.
 - The Board has a list of all Executive Branch Agencies located on its website
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The responsibilities of a “Registered Lobbyist” -

- **Registration**

- A lobbyist must register with the Board as soon as possible after employment as a lobbyist; or
- As soon as possible after the first action requiring registration as a lobbyist.

- **Supplemental Registration Forms**

- Must be filed within 10 days of termination of employment or representation of any person, or
- As soon as possible when adding additional representation or any other changes (such as contact information).

- **Reporting**

- Lobbying Expenditure Reports MUST be monthly. Reports are due on February 15, 2009 and on the 25th of every subsequent month.
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Penalties for Non-Compliance

- **Late fees of \$50 per day, up to maximum of \$1500:**
 - Failure to Register or timely Register, or failure to timely file any Expenditure Report:
 - A report is considered timely filed when it is hand-delivered, faxed, mailed, deposited for delivery with a commercial delivery service, or electronically filed on or before the due date. Failure to renew your lobbyist registration each year results in automatic termination.
 - Penalties may also be imposed for the failure to accurately file.
- **Up to \$10,000 Penalty in addition to any late fee:**
 - If the Registration or Report is filed 11 or more days late.
- **Censure by the Legislature and prohibited from lobbying for 30 days to 1 year**
- **Void contract**

1113A – Prohibited Transactions

- A public servant, excluding legislators and appointed members of boards and commissions
- Public servant's immediate family
- Legal entity in which public servant or immediate family member, individually or collectively has an ownership interest in excess of 25%

MAY NOT

- Bid on or enter into any contract, subcontract, or other transaction that is under the supervision of the public servant's agency

“Immediate Family Member”

- Includes the following:
 1. Children;
 2. Spouses of Children;
 3. Brothers and Sisters;
 4. Spouses of Brothers and Sisters;
 5. Parents;
 6. Spouse, and
 7. Parents of Spouse.

“Agency”

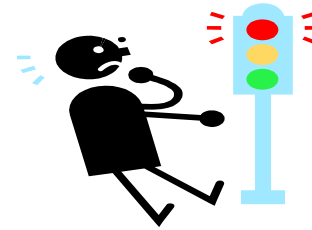
- Any department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.
 - A governmental entity is any state or political subdivision which employs you, or to which you were elected.
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1115 – Gifts

- A public servant may NOT accept anything of economic value, directly or indirectly, as a gift from someone who is considered a prohibited source.



“Prohibited Source”



- **For Elected Officials:**
 - A person who has or is seeking a contractual, business, or financial arrangement with your agency. [R.S. 42:1115A(1)]
 - Someone who, for compensation, attempts to influence any legislation or ordinance of the elected body.
- **For Public Employees:** (In addition to the prohibited sources listed above, the following two categories)
 - A person who conducts activities which are regulated by the public employee’s agency. [R.S. 42:1115B(1)]
 - A person who has a substantial economic interest that can be affected by the performance or non-performance of the public employee’s job duties. [R.S. 42:1115B(2)]

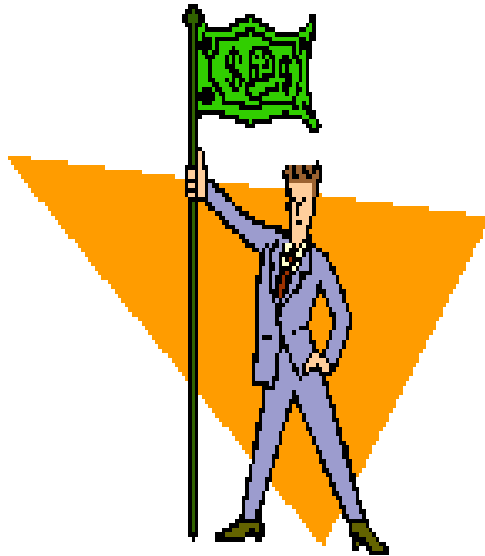
“Thing of Economic Value”

- Means money or *any thing* having economic value., **EXCEPT:**
 - Promotional items having no substantial resale value;
 - Food and drink consumed while the guest of the giver;
 - \$50 cap on food and drink purchased per event.
 - No cap for national or regional organization or meeting of statewide organization of governmental officials or employees.
 - Admission to a civic, non-profit, educational or political event if the public servant is an honoree or speaker;
 - For Legislators, food, refreshments, and lodging reasonably related to making a public speech and reasonable transportation from his home, or the capitol, to the site of the speaking engagement. Section 1123(16)

The Giver of a Prohibited Gift

- The giver of a prohibited gift to a public servant also violates the Code of Governmental Ethics and may be subject to enforcement proceedings. [R.S. 42:1117]
 - A prohibited source may not give a public servant food, drink or refreshment the total value of which exceeds \$50 at a single event. [R.S. 42:1115.1]
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1111 – Prohibited Income



- A public employee may not render compensated services to or for a prohibited source.
[R.S. 42:1111C(2)(d)]
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Where to Get More Information



- Ethics Website:
www.ethics.state.la.us
- *Ethics Quarterly* Newsletter
- Informal Advice:
(225) 763-8777 or (800) 842-6630