



LOUISIANA FIREFIGHTERS' RETIREMENT SYSTEM EDUCATIONAL PROGRAM

March 10, 2022

A REVIEW OF LOUISIANA ETHICS LAWS

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I. LOUISIANA ETHICS LAWS

A. State Constitution

Article X, Section 21 of the Louisiana Constitution mandates the creation of a state ethics commission. It is the intent of the constitution that the agency have both rule-making and quasi-judicial powers. Decisions of the agency are subject to judicial review.

B. 42:1101, LRS

Louisiana statutes set forth a comprehensive program for avoidance of conflicts of interest.

C. Focus of the Ethics Laws

The focus of the ethics laws on avoidance of conflict; disclosure of potential conflicts, and prohibition of improper compensation. Acceptance of gifts is strictly regulated and public officers may not receive outside compensation for their public offices. Public officers may not vote on or engage in contractual relationships with their own agencies. No public officer may vote on a matter in which he or she or an immediate family member or business associates has a pecuniary

interest. The law was amended in 2005 to require reporting of expenditures made by providers of service to retirement plans on trustee or administrator entertainment.

D. Ethic Commission Has Authority to Issue Advisory Opinions and to Adjudicate Violations of the Law, Not the Attorney General

E. A Summary of the Applicable Ethics Provisions

Code of Governmental Ethics Summary:

The Board of Ethics (ABoard@) is composed of 11 members; 7 members are appointed by the governor, 2 members are elected by the Senate, and 2 members are elected by the House of Representatives. The Board administers the Code of Governmental Ethics (ACode@) pertaining to all state and local public employees, appointed members of boards and commissions, and elected officials other than judges. The Board issues advisory opinions, conducts private investigations of alleged violations, maintains a computerized data management system, conducts educational activities, seminars, and publishes materials to provide instruction. The Code is designed to ensure public confidence in the integrity of government, the independence and impartiality of elected officials and public employees, governmental decisions and policy are made in the proper channel of government structure, and that public office and public employment are not used for private gain.

Definitions:

Agency means a department, office, division, agency, commission, board, committee, or other organizational unit of government.

Agency Head means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

Controlling Interest means any ownership in any entity or trust, held by or on behalf of an individual or his immediate family, either individually or collectively, which exceeds 25%.

Immediate Family means children, spouses of children, brothers, sisters, spouses of his brothers and sisters, parents, spouse, and the parents of his spouse.

Public Employee means anyone who is an officer or official of a governmental entity who is not filling an elected office.

Public Servant means a public employee or elected official.

Thing of Economic Value means money or any other thing having economic value. Promotional items having no substantial resale value, food, drink, refreshments, reasonable transportation, reasonable entertainment, which are consumed while the personal guest of some person, salary, and related benefits are excluded from this definition.

General Prohibitions:

The following list is a summary of some of the Code=s key prohibitions pertaining to both elected officials and public employees.

- M The receipt of a thing of economic value is prohibited in the following circumstances:
- (1) receipt of a thing of economic value from anyone other than the governmental agency for the performance of public duties;
 - (2) for the performance of a service substantially related to their public duties which draws on non-public information;
 - (3) for any services rendered to or for the following:
 - a. persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant=s agency,
 - b. persons who are regulated by the public servant=s agency,

- c. persons who have substantial economic interests which may be substantially affected by the performance or non-performance of the public employee=s official duties.
 - d. the above restrictions apply to the public servant=s spouse and to an entity in which the public servant owns an interest in excess of 25%.
- (4) Governmental employees may not solicit or accept a thing of economic value from the persons listed above in Section (3).
- (5) A spouse of a public employee may not solicit or accept a thing of economic value from anyone who may be substantially affected by the employee=s performance or non-performance of his public duties; and
- (6) elected officials may not accept or solicit a thing of economic value from a lobbyist or their employees.
- M Public employees are prohibited from accepting food or drink in excess of \$61.00 for a single event. Certain professional organization events are excluded from this restriction.
- M A public employee may not receive a thing of economic value for assisting someone with a transaction with the agency of the public servant.
- M Participation by a public servant in a transaction involving the governmental entity is prohibited when any of the following persons have a substantial economic interest:
 - (1) the public servant;
 - (2) any member of the public servant=s immediate family;
 - (3) any entity in which the public servant has an ownership interest that is greater than the interest of a general class;

- (4) any entity of which the public servant is an officer, director, trustee, partner, or employee;
- (5) any person or entity with whom the public servant is negotiating or has an arrangement concerning prospective employment;
- (6) any person or entity who is indebted to the public servant or is a party to an existing contract with him and is in a position to affect directly his economic interests.

M Participation in Debates and Votes:

An **elected official** may participate in the debate and discussion of a matter, which could violate the Code, only if he discloses the nature of the conflict prior to the participation in the debate, the disclosure is made prior to any vote taken on the matter, the elected official must not vote on the matter, and he must recuse himself. **Appointed members** may recuse themselves to avoid a violation, but they may not participate in the debate or discussion of the matter. **Other public employees** who are not sole decision-makers can be disqualified from transactions that would violate the Code.

M Public employees are prohibited from bidding on, entering into, or being in any way interested in any contract, subcontract or other transaction under the supervision or jurisdiction of the public servant=s agency. This restriction also applies to the public servant=s immediate family members and to legal entities in which the public servant and/or his family members own more than a 25% interest.

M A public servant is prohibited from the use of the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value that they are not entitled to by law. A public servant is prohibited from the use of their authority of his office to compel or coerce a person to engage in political activity. An employee is also prohibited from participating in the sale of goods or services to persons regulated by his agency if a member of his immediate family or if a business enterprise in which the employee, or members of his

immediate family own more than a 25% interest, receives or will receive a thing of economic value by virtue of the sale.

- M It is prohibited for a public servant or other person to make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer, or deliver a thing of economic value to a public servant when the public servant is prohibited by the Code from receiving such a thing of economic value.

Nepotism:

- M An agency head may not employ an immediate family member in his agency.
- M A member of a governing authority or the chief executive of a governmental entity may not employ an immediate family member in the governmental entity.

Exceptions to Nepotism Rules:

- M A person employed one year prior to their family member becoming an agency head is not prohibited from continuing in their position;
- M A school teacher who is an immediate family member of the superintendent or a school board member may be employed as long as the family member is certified to teach.
- M An immediate family member of a hospital service district board member, or of a public trust authority board member, may be employed by that authority as long as the agency serves a population of less than 100,000, and the family member is a licensed physician or a registered nurse.
- M Nepotism rules do not apply to persons employed as volunteer firefighters.

Post-Employment:

- M During the two-year period following the termination of their public service, **Agency Heads or Elected Officials** may not

assist another for compensation in a transaction, appear in connection with any transaction involving their former agency, and they may not provide any service on a contractual basis to or for their former agency.

- M During the two-year period following the termination of their public service, **Board or Commission Members** may not contract with, be employed in any capacity by, or be appointed to any position by their former board or commission.
- M During the two-year period following the termination of their public service, **Public Employees** may not assist another for compensation, in a transaction, or in an appearance in connection with a transaction involving the agency in which the former public employee participated while employed by the agency. The former public employee may not provide his former employer with any service (s)he provided while employed with the public agency on a contractual basis.

Procedures:

- M The Board may file a complaint to initiate an investigation into any matter which it has reason to believe may be a violation of the Code. The Board considers information discovered through a confidential investigation. Some cases lead to voluntary admissions of violations of the Code through the publication of a consent opinion.

Enforcement and Penalties:

- M Agency heads have a responsibility to report possible Code violations to the Board.
- M The Board has the authority to censure an **elected official** or other person within its jurisdiction and to impose a fine up to \$10,000 per violation; it does not have the authority to remove an elected official from office.
- M The Board has the authority to remove, suspend, reduce the pay or demote a **public employee** or other person and to impose a fine of not more than \$10,000 per violation.

- M The Board has the authority to impose restrictions on a **former public servant** to prevent appearances before his former agency and to prohibit the negotiation for or entering into business relationships with his former agency.
- M The Board has the authority to rescind contracts, permits and licenses, without contractual liability to the public, whenever the Board finds that a violation has influenced the making of such contract, permit or license, and that such rescission is in the best interest of the public.
- M The Board may order the payment of penalties if an investigation reveals that **any public servant** or other person has violated the Code to his economic advantage and penalties can include the amount of such economic advantage plus one half.
- M The Board is authorized to order the forfeiture of any gifts or payments made in violation of the Code.

Financial Disclosure: Who Must File?

- M Persons holding statewide elected office, the secretaries of certain departments of state government, the superintendent of education, the commissioner of higher education, the president of each public post-secondary education system, and persons holding certain positions in the office of the Governor must file a financial disclosure report with the Board each year.
- M State legislators, elected officials holding a public office representing a voting district with a population of 5,000 or greater, members of the Board of Ethics, the ethics administrator, and members of the Board of Elementary and Secondary Education must file a financial disclosure report with the Board each year.
- M Members and designees of boards and commissions which have the authority to expend, disburse, or invest \$10,000 or more in funds in a fiscal year, members of the State Civil Service Commission, and members of the Board of Commissioners of

the Louisiana Stadium and Exposition District must file a financial disclosure report with the Board of Ethics each year.¹

- M Elected officials holding a public office representing a voting district with a population of less than 5,000 must file a financial disclosure report with the Board of Ethics each year.
- M Financial disclosure reports must be filed each year the office or position is held, and the year following the termination of the office or position. The financial disclosure report is due by May 15 each year. The penalty for late filing is \$50 per day.

F. Relevant Opinions of the Ethics Commission and Forms

1. Opinion No. 2009-543

In this opinion, requested by the LSA, The Ethics Commission opined that trustees of the LSPRF are covered by Tier 2.1 and must file disclosure forms on the basis that the Board disburses, invests, or expends more than \$10,000 per year. Heirs and estates of deceased officials are not required to file. The Commission declined to answer whether the Sheriffs= offices could assist in the accounting needed to accomplish filing, on the basis that such questions are the purview of the Attorney General.

2. Opinion No. 2009-061

In this opinion, the Commission considered issues related to the attendance of pension trustees at the annual educational conference for the Louisiana Association of Public Employees Retirement Systems (LAPERS). Educational conferences fall outside of the \$50 (now \$61) rule for food and beverage if all attendees are invited and the event is scheduled as part of the conference agenda. The Commission noted that the statute specifically exempts Agatherings held in conjunction with a statewide organization of public officials.@ If all attendees are

¹ To help ensure timely compliance, the LSPRF provides necessary forms and filing assistance.

not invited to the hosted event, the regular restrictions on entertainment apply. The Commission did note that tax and gratuity are not counted toward the \$50 limit as the statute only speaks to the cost of food, beverage and entertainment. The \$50 limit has been raised to \$61. See, *Gifts: A Summary of Gift Restrictions in the Louisiana Code of Ethics, Revised October 29, 2012*.

3. Opinion No. 2009-497

In this opinion the Commission held that teachers who are honored for their service by the school board may not receive gift cards which are sponsored by vendors of the School Board, even if the teachers have no control over the selection of vendors.

4. Opinion No. 2009-443

In this opinion the Commission considered the provision that prohibits a vendor from providing food or drink to public official in excess of \$50 (now \$61). Public officials may accept promotional items of no substantial value (coffee cup, hat, etc.) and a meal as long as the person paying for the meal is present. The cost is determined by dividing the overall cost by the number of persons invited. In this opinion, the total cost of the food and beverage was \$30,000 and 1500 people were invited, which makes it less than \$50 (now \$61) per person. The opinion held that while clipboards and portfolios with a corporate logo were permissible because of their nominal value, camping chairs and stools which had a substantial resale value were deemed prohibited.

5. Opinion No. 2009-175

In this opinion, the Commission considered a request by a city to receive the money collected by private citizens and donated to the city to improve public parks. The Commission held that was permissible as long as city employees were not involved in the solicitation.

6. Opinion No. 2009-152

In this opinion, the Commission addressed the attendance at a luncheon by a state senator, his staff secretary and press aide where admission was charged. Unless the public officials (including the aides) were honorees or scheduled speakers at the program, they must either pay admission or report the value of the event.

7. Opinion No. 2009-123

In this opinion, the Commission considered participation in a golf tournament. A governmental entity (in this case, a police jury) can lawfully pay the registration for its own officers and employees. There is no prohibition from a vendor giving a sponsorship to the Police Jury Association of Louisiana which includes prizes and gift bags, as long as those prizes are under the control of the association and not the vendor. Employees of agencies who participate in the association would be prohibited from soliciting the prizes, even in the name of the association.

8. Opinion No. 2009-095

In this opinion, the Commission addressed activities by a not-for-profit association which raised money for a public library. The Commission concluded that the association could secure funds and donate books and other materials to the library. The Association could not, however, pay the cost for a library employee to attend a seminar. The Commission did say that if the association made an unconditional gift of money to the library, then the library could choose to reimburse the employee for the cost of the seminar. Lastly, the Commission held that library employees were prohibited from receiving gift baskets or gift cards from the Association as a reward for their work.

9. Opinion No. 2010-115

Employees of Plaquemines Parish are prohibited from competing in a drawing for cruise tickets donated to the Parish government as part of a promotional, economic development program. For every 20 cruise packages sold, the cruise line

would donate one cruise package to be made available to Parish employees through a random drawing. The Ethics Board found that receipt of the cruise package, even as a result of a random drawing would be a gift or other item of value received by a public officer or employee for the performance of their duties because eligibility for the drawing was based on their status as public servants.

10. Opinion No. 2010-404

A registered lobbyist is prohibited from inviting members of the Legislature to his private property for an evening dinner, an overnight stay in his home, followed by a turkey shoot on his property the following days. The overnight stay and the turkey shoot are deemed things of economic value which may not be accepted by public servants nor offered by a registered lobbyist.

11. Consent Order No. 2010-705

Mayor of New Roads accepted things of monetary value including cash, tickets, and other gifts totaling \$22,000 from a federal informant posing as a representative of CIFER 5000 which was seeking a business relationship with the City. This resulted in a federal prosecution and 11 years of imprisonment. As a result of the sentence and federal fines, no further civil penalty was assessed.

12. Opinion No. 2010-767

An assistant district attorney is not prohibited from investing in an alcohol monitoring company in which his partners would be principals in a separate company which already has a contract with the same parish=s court system. The Ethics Board noted that the ADA had no responsibility for the prosecution of DUI offenses. The new company was a permissible investment only because it would not co-mingle funds with the existing companies. Ownership was not considered Aservices@ prohibited by the statute.

13. Board Docket No. 2011-1781

By a vote of 6-3, the Commission found that acceptance of a scholarship to the meeting of the Louisiana Trustee Education Council (LATEC) awarded as a door prize did not violate the Ethics Law. The Board determined that the winner was selected at random and the prize was not a reward for public service.

14. Board Docket No. 2012-1940

In this opinion, the Commission answered a series of questions relating to acceptance of gifts by school teachers. Other than exchange of gifts of comparable value among teachers and a PTA-sponsored luncheon, attended by PTA officials, teachers could not accept any gift of value in recognition of their teaching, as it would be deemed unauthorized additional compensation. Schools were permitted to accept unconditional gifts of teaching supplies, provided they were not dedicated by the giver to a single person.

15. Consent Order No. 2013- 917

A New Orleans city police officer assigned to the towing and recovery unit accepted \$100 cash payments on eight separate occasions from a towing company he was responsible for supervising. He entered into a consent order to pay the state \$1000 as a civil penalty. The order was entered two years after the officer=s resignation following 38 years of service.

16. Board Docket No. 2013-1518

A public agency may accept a charitable donation from a political action committee where the agency is authorized by statute to accept donations and the PAC is authorized to make donations.

17. Board Docket No. 2013-170

A public officer may accept complimentary travel and lodging expenses as a speaker at a national symposium provided the sponsoring agency does not do business with nor is regulated by the agency whose officers are receiving the complimentary travel

and lodging expenses.

18. Board Docket No. 2013-1476

An employee of a state agency is not prohibited from accepting cruise tickets won as a door prize at the Retired State Employees Association meeting.

19. Board Docket No. 2013-1415

An LSU police officer being named Officer of the Year may not accept restaurant privileges from the University but may accept football game tickets from the LSU Athletic Association because he does not render services for the Association.

20. Board Docket No. 2013-1326

A public officer who serves as his son=s little league coach may not solicit fund raising money from any person or corporation which does business or is seeking to do business with the agency.

21. Consent Order No. 2013-108

A Police Officer for Baker City collected unauthorized cash donations from parents of Drug Abuse Resistance Education (D.A.R.E.) Program students to offset the cost of hosting the D.A.R.E. graduation and for the provision of t-shirts to the students. The Officer also made verbal solicitation for funds. A total of \$4,023 was collected in violation of two provisions of the Ethics Code, including receipt of anything of economic value other than compensation and benefits, and use of public office to compel or coerce the giving of anything of economic value. The Officer entered into a consent order with the understanding that he may be removed, suspended or receive a pay reduction or demotion, and/or face a fine of not more than \$10,000.

22. Consent Order No. 2014-188B

A school board member solicited and received tickets to a New Orleans Saints football game with a value of \$300 per ticket from

a firm engaged as an insurance consultant for the Lafayette Parish School Board. The school board member denied knowledge of an email solicitation for the tickets and stated that he received the tickets in a plain envelope. He asserted that he attempted to return the tickets and the contractor refused. The school board member reported the incident to the Louisiana State Police and did not attend the game. The school board member later entered into a consent order that he had solicited a thing of value and paid a \$1000 civil penalty.

23. Consent Order No. 2014-763

A member of the City of Kenner Council violated the Ethics Code by receiving a thing of economic value through her husband, who had a contractual relationship with an engineering firm who was under contract with the City of Kenner. The member states she did not intentionally set out to violate the Ethics Code, but has agreed to the consent order, including payment of a \$2,000 penalty in order to avoid the uncertainties and high costs of litigation.

24. Opinion 2014-1287

Advisory opinion that the Ethics Code prohibits a Parish President from soliciting or accepting private donations to pay legal expenses arising from a criminal indictment if any of the donors are doing business with or seeking to do business with the Parish.

25. Opinion 2014-1406

Former school board member is precluded from employment as a substitute teacher in that system for two years following the end of the term of office on the school board.

26. Opinion 2014-858

The Ethics Code does not prohibit a corporation owned by a member of the Board of Regents from entering into a joint venture with Louisiana Tech to develop a drone program.

27. Opinion 2014- 967

The Ethics Code does not prohibit a police juror from being employed by a port commission prior to, during, or after he is a police juror.

28. Opinion 2015-050

The Ethics Code does not prohibit the state superintendent of education from serving on a not-for-profit board of directors and being reimbursed for travel expenditures in the course of his duties as a board member. This non-profit post also does not require an ethics filing.

29. Opinion 2015-204

The Ethics Code prohibits the director of a parish library from accepting a complimentary admission from an employee of that library to attend an awards dinner where the employee is being honored.

30. Opinion 2015-394

A member of the Committee on Parole is not prohibited by the Ethics Code from accepting complimentary travel, lodging and meals paid by the American Israel Public Affairs Committee to attend a meeting for Southwest Christian Leaders in Israel since AIPAC has no contractual relationship with the Committee on Parole.

31. Opinion No. 2016-026

The Ethics Board approved a plan disqualifying a recently promoted official of the City of Kenner from any supervisory authority over his brother who continued as an employee of the City in the same department. An individual who has been employed for one year prior to a family member being named agency head may continue in employment if the family member is removed from any supervisory authority over his family member.

32. Opinion No. 2016-131

A sheriff-elect posed two questions to the Ethics Board. The first question was whether the agency could engage an auditing firm which employed the sheriff's daughter-in-law. The Ethics Board stated that the auditing firm could be engaged as the daughter-in-law had no ownership in the company nor would she be a member of the engagement team. The daughter-in-law would be required to file an ethics disclosure form.

The second question was whether the Sheriff could continue a memorandum of understanding with the Parish Coroner to have a commander serve as the Coroner's investigator. As the Coroner paid the Sheriff's office the fee and the Commander received payment directly from the Sheriff, the Ethics Board approved the continued arrangement.

33. Consent Order No. 2017-124

New Orleans Mayor Mitchell Landrieu attended a conference in Miami, Florida. The cost of the Mayor's hotel room and his round-trip airfare was covered by the Aspen Institute, a nonpartisan forum for values-based leadership and exchange of ideas. The Mayor filed his required disclosure statement, disclosing receipt of complimentary transportation and lodging. However, the form was filed 6 days late. The Mayor entered into the Consent Order, acknowledging the late filing, and will be assessed a penalty of \$1,500.

34. Opinion No. 2017-138

Advisory opinion that the Code of Ethics would not prohibit the daughter of the Chairman of the Bayou Blue Fire District from being compensated by the Fire District, since she was employed for more than one year prior to her father becoming the agency head. Additionally, her father would be prohibited from participating in any transaction in which she had a substantial economic interest.

35. Opinion No. 2017-345

Advisory opinion that a Caddo Parish Commissioner could not accept free tickets as currently provided by the Shreveport Regional Arts Council, since the Commission has an agreement with the Arts Council to fund its multiple programs and projects.

36. Opinion No. 2018-353

The Coroner=s Office wished to hire an individual who they believed possessed the quality skills they were looking for in an applicant. A doctor from the office was currently leasing an apartment from this applicant, although the lease was month to month and there was no formal written contract. The Ethics Code prohibits the hiring because of the existing contract between the applicant and the doctor.

37. Opinion No. 2018-354

The Ethics Code prohibits the Chief of Police from hiring the son-in-law of his current Assistant Chief of Police. The Code provides that no immediate family member of an agency head be employed in that agency. The Assistant Chief of Police acts in the capacity of the chief administrative officer for the Police Department, qualifying his position as an agency head. In addition, a son-in-law is considered an immediate family member.

38. Opinion 2018-971

There would be no nepotism violation if the husband of the current President of the Board of Commissioners was promoted to the position of Fire Chief of the District because he is a volunteer who receives no compensation for firefighting services.

39. Opinion 2018-982

An employee of the Acadia Parish Police Jury would not be

prohibited from purchasing basketball tickets from an individual who has a business relationship with the Police Jury so long as the true price of the tickets is paid. The employee would be prohibited accepting free or discounted tickets.

40. Opinion No. 2018-1058

The North Caddo Medical Center wanted to provide free meals to all uniformed police officers present at the hospital. The Hospital District believes that complementary meals are diminimis and offer a great benefit, because the presence of a police officer can deter misbehavior. Police officers would not be prohibited from accepting the free meals because the hospital is a governmental entity, not a person, as defined in La. R.S. 42:1102(16).

41. Opinion No. 2018-1070

A charitable organization would not be prohibited from rewarding teachers, librarians, and principals in the Jefferson Parish School System for their meritorious contributions to the community. The charity wishes to conduct a service project that would include providing gift baskets containing items such as tea, coffee, inexpensive jewelry, and spa treatments to eligible staff members. The eligible members would be entered into a random drawing for the gift baskets. Although the Ethics Code does generally prohibit a public servant from receiving anything of value for the performance of their job duties, there is an exception for “meritorious public contributions given by public service organizations.”

42. Opinion No. 2018-1256

A St. Charles Parish Wastewater Operations Manager would not have a conflict of interest while his brother-in-law was employed by the department, even though the Operations Manager would service over his brother-in-law’s position. A brother-in-law is not considered an immediate family members per La. R.S. 42:1102(13) and therefore there is no nepotism violation.

43. Opinion No. 2019-332

The Ethics Board concluded that the Code of Governmental

Ethics would not prohibit three District employees (the Executive Director, the Commander of the New Orleans Police Department's 8th District, and a New Orleans City Councilwoman from receiving free airfare, lodging and meals to travel to the City of Amsterdam to discuss action plans for increased public safety and better public policies, because the District is a governmental entity and the trip would directly benefit the agency and/or will enhance the knowledge or skills of the public servants. Further, the employees would not be required to fill out a disclosure statement as is sometimes required under La. R.S. 42:1115.2.

44. Opinion 2020-901

A private corporation doing business with an agency is not prohibited from making a charitable donation in honor of an employee of the agency.

45. Opinion 2021-338

Chief Civil Deputy of a parish sheriff's office who also serves as chief deputy for the coroner is not prohibited by Ethics Code from election as coroner while still serving as chief deputy for the sheriff. Ethic Commission cautioned participant to aware of dual office prohibitions which are determined by the Attorney General.

46. Board Docket 2021-259

The assistant fire chief in Westwego asked if he could also serve as Fire Chief while continuing as Assistant Chief. The Chief is elected and receives no salary but does receive a stipend. The Chief also supervises the assistant chiefs. This would require the individual to supervise himself and receive the stipend for the supervision from himself in a full-time paid capacity. The Ethics Commission found this to be a prohibited activity and also referred the matter to the Attorney General as to whether this would constitute dual office holding.

47. Board Docket 2021-225

A parole and probation officer was not prohibited from starting a driving school as the school would have no economic connection to her agency. She was, however, prohibited from allowing

parolees and probationers she supervised from attending the school. In addition, she was cautioned against soliciting paroles, probationers or co-workers .

48. Forms

- a. Tier 2 - This form is for elected officers and is required as a condition of their candidacy for elected officer. If an elected official who serves as a trustee has filed a Tier 2 disclosure, no additional form is required.
- b. Tier 2.1 - This form applies to persons who serve on a board or commission that has authority to expend, disburse or invest \$10,000 or more in a fiscal year. The Ethics Commission has previously determined in Opinion 2009-543 that pension trustees are covered by this reporting tier.

49. Current (October 2019) Gift Update Issued by Commission on Ethics

- a. Food and drink consumed in the presence of the giver expanded to \$62.
- b. An employee is permitted to attend a tailgate party sponsored by a vendor if the vendor is present but may not accept tickets to a football game.
- c. Flowers donated to a funeral may not exceed \$100.
- d. A public officer may not accept use of a vacation home from a friend if the friend is attempting to do business with or influence the agency.
- e. The \$62 limit does not apply to a national or regional organization=s meeting or a meeting of a statewide organization of government employees. This is best measured by dividing the total cost by the number of persons invited.

- f. Holiday gifts such as hams or turkeys are prohibited as they are a thing of economic value. This would also apply to gifts like wedding gifts unless the giver is a family member or if the giver has a business relationship with the agency of the recipient. The economic value of the gift is irrelevant.

II. CONCLUSION

IF YOU HAVE ANY QUESTIONS OR COMMENTS CONCERNING THIS PRESENTATION, CONTACT ROBERT D. KLAUSNER, ESQUIRE, KLAUSNER, KAUFMAN, JENSEN & LEVINSON, 7080 N.W. 4th STREET, PLANTATION, FLORIDA 33317, (954) 916-1202, FAX (954) 916-1232, EMAIL bob@robertdklausner.com, WEBSITE: www.robertdklausner.com