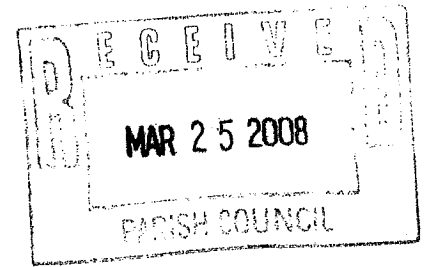




STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
2415 QUAIL DRIVE
THIRD FLOOR
BATON ROUGE, LA 70808
(225) 763-8777
FAX: (225) 763-8780
1-800-842-6630
www.ethics.state.la.us



March 20, 2008

Barbara Jacob-Tucker
St. Charles Parish
Office of the Council
P.O. Box 302
Hahnville, LA 70057

RE: Ethics Board Docket No. 2008-211

Dear Ms. Jacob- Tucker:

The Louisiana Board of Ethics, at its March 13, 2008 Board meeting, considered your request for an advisory opinion concerning whether the St. Charles Parish Council may appoint a councilman to serve as an ex-officio board member of the Planning and Zoning Commission of St. Charles Parish. Additionally, you asked what matters that are brought before the Council the councilman must recuse himself from as it relates to his employment with RJM Enterprise. You stated that Councilman Paul J. Hogan has been nominated as non-voting ex-officio member of the Planning and Zoning Commission of St. Charles Parish. Mr. Hogan is also employed as a senior engineer for RJM Enterprises, a real estate development company in St. Charles Parish.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics prohibits the appointment of Councilman Hogan by the St. Charles Parish Council to the Planning and Zoning Board of St. Charles Parish. Section 1113A of the Code provides that no public servant shall enter into a transaction that is under the supervision or jurisdiction of the agency of such public servant. Section 1102(23) of the Code provides that a "transaction involving a governmental entity" means any proceeding, application, submission, request for a ruling, or other determination, contract claim, case or other such particular act which the public servant of the entity knows or should know is or will be the subject of action by the governmental entity. Thus, the appointment of Councilman Hogan by the Parish council to the Planning and Zoning Commission is a transaction that is prohibited by the Code.

Additionally, the question has been asked regarding what voting actions should Mr. Hogan recuse himself from during his Regular Council Meetings as it relates to his employment with RJM Enterprises. Act 8 of the 2008 Extraordinary Session, effective March 6, 2008, requires elected officials who would be required to vote on a matter which vote would be a violation of R.S. 42:1112, to recuse themselves from voting. However, the elected official is not prohibited from participating in the discussion and debate concerning the matter as long as he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate and prior to any vote

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taken on the matter. Therefore, Mr. Hogan may participate in the discussion of matters concerning RJM Enterprise; however, he must recuse himself from voting on any issues concerning RJM Enterprises.

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) 763-8777 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS



Aneatra P. Boykin

For the Board

EB:APB