



*Louisiana*

Office of the Governor  
Auctioneers Licensing Board

Bobby Jindal  
Governor

June 2, 2010

LOUISIANA ETHICS ADMINISTRATION PROGRAM  
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Re: Advisory Opinion Request

Dear Sirs:

I have been asked to file this request for an advisory opinion by the Board chairman, Ken Comer, regarding the appearance and testimony by board members before the Louisiana Legislature.

LSA-R.S. 24:56 (F) states as follows:

F. No state employee in his official capacity or on behalf of his employer shall lobby for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. Nothing herein shall prohibit the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter.

If members of the Louisiana Auctioneers Licensing Board wish to testify before a legislative committee, may the member testify in his or her official capacity for or against a specific piece of legislation? Would a member who testifies for a specific piece of legislation be considered to have lobbied for that piece of legislation? Or, is a board member limited to testimony regarding factual information relative to that specific piece of legislation?

This issue arose during a recent committee hearing at the legislature. A Board member, who identified himself as a member of the Louisiana Auctioneers Licensing Board, testified before the committee that he supported a piece of legislation being considered by the committee. He submitted a green card for the bill and signed the card indicating that he would testify truthfully. Other members of the Board had been informed that the above statute prohibited them from testifying before the Board, except to provide factual information. Instead, the Board approved a resolution at a meeting preceding the legislative committee hearing, to ask the committee to not support the legislation.

We are requesting that you provide an advisory opinion on the following:

1. Is the testimony of a board member, representing his or her board, limited by the provisions of LSA-R.S. 24:56 to only factual information?
2. Is the testimony of a board member, representing his or her board, supporting or not supporting a particular piece of legislation affecting the board's licensees, considered lobbying and a violation of LSA-R.S. 24:56?

Any information which you can provide will be appreciated.

Feel free to contact me if you have any questions about the above.

Sincerely,

Sandy Edmonds  
Executive Assistant

pc: Ken Comer, Chairman



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
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July 26, 2010

Ms. Sandy Edmonds  
Executive Assistant  
Louisiana Auctioneers Licensing Board  
5222 Summa Court, Suite 352  
Baton Rouge, Louisiana 70809

**Re: Ethics Board Docket No. 2010-621**

Dear Ms. Edmonds:

The Louisiana Board of Ethics, at its July 17, 2010 meeting, considered your request for an advisory opinion as to whether the members of the Louisiana Auctioneers Licensing Board may lobby in support or against pending legislation before the legislature or whether the members are limited to providing factual information.

The Board concluded, and instructed me to inform you, that LSA R.S. 24:56(F) prohibits a state employee in his official capacity or on behalf of his employer from lobbying for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. LSA R.S. 24:56(F) does not prohibit the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter.

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 as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

A handwritten signature in cursive script, appearing to read "Tracy M. Barker", written over a horizontal line.

Tracy M. Barker  
For the Board