R.S. 42:1102(21) defines "substantial economic interest" as an economic interest which is of greater benefit to the public servant than to a general class or group of persons. It does not include the interest he has in his "position, office, rank, salary, per diem or other matter arising solely from his public employment or office."

Prior Board of Ethics Opinions

Ethics Board Docket No. 2023-915 - https://ethics.la.gov/EthicsOpinion/DocView.aspx?id=589010&searchid=bbaa287c-4fa5-41d2-84db-4e2426b67c02&dbid=0
The issue was whether a member of a housing authority can participate in matters regarding a lawsuit that involves a non-profit in which he served as president. The Board of Ethics concluded that the housing authority board member was prohibited from participating in matters involving the lawsuit.

Ethics Board Docket No. 2022-409 - https://ethics.la.gov/EthicsOpinion/DocView.aspx?id=523489&searchid=bbaa287c-4fa5-41d2-84db-4e2426b67c02&dbid=0
The issue was whether a school board candidate could maintain a writ of mandamus lawsuit against the school board if he was elected to serve on the school board. The Board of Ethics concluded that he could maintain the lawsuit, if he was elected. However, he was cautioned that if there were settlement negotiations, he may not be able to participate in those matter and that he should ask for an advisory opinion before participating in such matters.

Ethics Board Docket No. 2018-638 - https://ethics.la.gov/EthicsOpinion/DocView.aspx?id=408776&searchid=bbaa287c-4fa5-41d2-84db-4e2426b67c02&dbid=0&cr=1
The issue was whether rice producers, who were also member of the Louisiana Rice Promotion Board and the Louisiana Rice Research Board, could attend and participate in executive session to discuss litigation in which the rice producers were plaintiffs and the two Rice Boards were defendants. The Board concluded that the plaintiffs attendance in executive session would be a form of participation and would be prohibited.

Conclusion

With respect to Mr. Kelly, it does not appear that he has any personal exposure in the complaint that was filed by the plaintiffs. Therefore, it does not appear that he has a personal substantial economic interest in the litigation and any action or discuss with respect to the litigation.

With respect to Mr. Judge, it appears that he may have some personal exposure with respect to the outcome of the lawsuit. It could be argued that he has a personal substantial economic interest in the outcome of the litigation. Therefore, I would caution against his participation in matters involving the lawsuit. Given the Ethics Board's decision in 2018-638, if Mr. Judge wants to attend the executive session and participation in discussion or actions regarding the settlement, the LCG could ask him to obtain an advisory opinion from the Board of Ethics.

RS 14:103

SUBPART C. OFFENSES AFFECTING THE GENERAL PEACE AND ORDER

§103. Disturbing the peace

A. Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

(1) Engaging in a fistic encounter; or

(2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty; or

(3) Appearing in an intoxicated condition; or

(4) Engaging in any act in a violent and tumultuous manner by any three or more persons; or

(5) Holding of an unlawful assembly; or

(6) Interruption of any lawful assembly of people; or

(7) Intentionally engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral route, or burial of a deceased person during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial, within three hundred feet of the funeral or burial.

(8)(a) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with a funeral route.

(b) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering, within five hundred feet, with access into or from any building or parking lot of a building in which a funeral or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral or burial is being conducted, during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial.

B.(1) Whoever commits the crime of disturbing the peace shall be fined not more than one hundred dollars or imprisoned for not more than ninety days, or both.

(2) Whoever commits the crime of disturbing the peace as provided for in Paragraphs (A)(7) and (8) of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

C. For purposes of Paragraphs (A)(7) and (8) of this Section:

(1) "Funeral" includes a funeral, funeral home viewing, wake, or memorial service.

(2) "Funeral route" means the route of ingress or egress from the location of a funeral or burial, including thirty feet from the outer edge of the outside lane of the route.

Amended by Acts 1960, No. 70, §1; Acts 1963, No. 93, §1; Acts 1968, No. 647, §1; Acts 1979, No. 222, §1; Acts 2006, No. 805, §1; Acts 2013, No. 30, §1, eff. May 29, 2013.

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