



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

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January 21, 2010

Layton Ricks
P.O. Box 1173
Denham Springs, LA 70727

RE: Board Docket No. 2009-908

Dear Mr. Ricks,

The Louisiana Board of Ethics, at its January 15, 2010 meeting, considered your request for an advisory opinion regarding whether Mr. Brian Fairburn, former director of Livingston Parish's Office of Emergency Preparedness (OEP), may be involved in a project between your company (Alvin Fairburn & Associates, LLC) and Livingston Parish. You stated that Brian Fairburn was the director the Office of Emergency Preparedness for Livingston Parish and that Mr. Fairburn was terminated, and upon termination, he submitted a letter of resignation. You also stated that Alvin Fairburn & Associates, LLC, has a contract with the Parish of Livingston to monitor debris clean up. Brian Fairburn was the manager of this project. You further stated after Mr. Fairburn's termination, he was hired by Alvin Fairburn & Associates, LLC.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit Mr. Fairburn from working on the debris monitoring project. Section 1121A provides that no former agency head shall, for a period of two years following the termination of his public service as the head of such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency. Section 1102(2)(a) defines "agency" as the department, office, division, agency, commission, board or committee, or other organizational unit of a governmental entity. Also, Section 1102(3) defines an "agency head" as the chief executive or administrative officer of an agency. As Mr. Fairburn served as Director of the Office of Emergency Preparedness (OEP) for the Parish of Livingston, his agency was the OEP. As Director he was considered the agency head. His designation as an agency head precludes him from assisting another for compensation in any transaction or appearance before the OEP for a period of two years. He is also precluded from rendering any service on a contractual basis to OEP for two years.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts 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 laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS


Deidra L. Godfrey
For the Board

AN EQUAL OPPORTUNITY EMPLOYER