

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

BOARD OF ETHICS

*** DOCKET NO. 2021-7707-ETHICS-B**

IN THE MATTER OF

DONALD D. T. THOMPSON

*** AGENCY TRACKING NO. 5121-077**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Donald D.T. Thompson failed to file a supplemental campaign finance disclosure report for the calendar year 2020 by the eleventh day after it was due, in connection with his 2018 candidacy for the office of Chief of Police, City of Opelousas. The Louisiana Board of Ethics proved by clear and convincing evidence that Donald D.T. Thompson failed to file the report as alleged. Pursuant to Louisiana Revised Statutes (La. R.S.) 18:1505.4(A)(4)(b), the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000.00 against Donald D.T. Thompson for his failure to file his 2020 supplemental campaign finance disclosure report by the eleventh day after it was due.

APPEARANCES

An adjudicatory hearing was conducted on September 28, 2022, at the Division of Administrative Law in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Louisiana Board of Ethics (BOE). Although duly noticed, Donald D.T. Thompson (Respondent) did not appear for the hearing.²

¹ Panel B of the Ethics Adjudicatory Board consists of administrative law judges Anthony Russo (presiding), Gregory McDonald, and Esther Redmann.

² Notice of the hearing was mailed by U.S. mail on June 13, 2022, by the Administrative Hearings Clerk for the

JURISDICTIONAL AUTHORITY

The Ethics Adjudicatory Board (EAB) is a legislatively created board, as contemplated by Article X, Section 21 of the Louisiana Constitution. The EAB has original jurisdiction under La. R.S. 42:1141.5 to determine whether violations of the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, have occurred and to conduct hearings under La. R.S. 18:1505.4 for specific violations of the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*

This adjudication is conducted in accordance with the CFDA, the Code of Governmental Ethics, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation for the Division of Administrative Law, La. R.S. 49:991, *et seq.*

STATEMENT OF THE CASE

The BOE, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, alleged that Respondent failed to file a supplemental campaign finance disclosure report as required by La. R.S. 18:1495.4(D)(3)(a) for the calendar year 2020, in connection with his November 6, 2018, candidacy for the office of Chief of Police, City of Opelousas, by the eleventh day after the report was due.

The BOE requested a hearing to have the EAB determine whether Respondent failed to file his supplemental campaign finance disclosure report by the eleventh day after it was due, which could subject him to an additional civil penalty not to exceed \$10,000.00, as authorized by La. R.S. 18:1505.4(A)(4)(b).

At the hearing, the BOE offered its exhibits, numbered BOE-1 through BOE-15, which

Division of Administrative Law to two addresses of record for Donald D.T. Thompson at 232 Ventre Blvd., Apt. 215, Opelousas, Louisiana 70570, and P.O. Box 1064, Opelousas, Louisiana, 70571, and the mailings were not returned as undeliverable. These are the same addresses Respondent listed on his Notice of Candidacy to qualify for the election, on his 10-G campaign finance disclosure report, and on his supplemental campaign finance disclosure report for the calendar year 2018. BOE-2, pp. 2-3; BOE-7; BOE-8.

were admitted into evidence. Counsel presented the case on behalf of the BOE, the record was closed, and the matter was taken under advisement for a determination of whether Respondent violated La. R.S. 18:1495.4(D)(3)(a) and would therefore be subject to an additional civil penalty pursuant to La. R.S. 18:1505.4(A)(4)(b).

FINDINGS OF FACT

Respondent was an unsuccessful candidate for the office of Chief of Police, City of Opelousas, in the November 6, 2018, election.³ The office of Chief of Police, City of Opelousas, is an “any other” level public office.⁴

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁵ Upon qualifying to run for office, Respondent acknowledged that he was subject to the provisions of the CFDA.⁶

On November 28, 2018, Respondent filed his final campaign finance disclosure report, referred to as the requisite “10-G” report, which showed a surplus of \$2,004.95, and a deficit of \$13,524.19, in connection with his November 6, 2018, candidacy.⁷

On March 8, 2019, Respondent filed his supplemental campaign finance disclosure report for the calendar year 2018, which showed a surplus of \$354.95 and a deficit of at least \$12,024.19.⁸ Respondent failed to file a supplemental campaign finance disclosure report for the calendar year

³ BOE-2; BOE-3, p. 4. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he was a candidate for the office of Chief of Police, City of Opelousas, in the November 6, 2018, election. BOE-11, p. 3.

⁴ See La. R.S. 18:1483(16); La. R.S. 18:1484(2).

⁵ La. R.S. 18:1483(19).

⁶ BOE-2, p. 3.

⁷ BOE-7.

⁸ BOE-8. Although Respondent did not include the required schedules to document loan payments and remaining deficits on his 2018 supplemental campaign finance disclosure report, Respondent listed a payment to the Balhoff Group, LLC, for \$1,500.00. The BOE deemed the \$1,500.00, as a possible payment towards Respondent’s debt owed to the Balhoff Group, LLC, which may have reduced Respondent’s total deficits of \$13,524.19, previously reported on his 10-G, to \$12,024.19. At the hearing, counsel for the BOE reported that whether the BOE considers the balance of the deficit as \$13,524.19, or \$12,024.19, Respondent had a remaining deficit, which required him to file a supplemental campaign finance disclosure report for the calendar year 2020. See BOE-7, p. 5 and BOE-8, p. 3.

2019.⁹

Respondent did not file his supplemental campaign finance disclosure report for the 2020 calendar year, by the February 15, 2021, deadline or by the eleventh day after it was due.¹⁰

On January 4, 2022, the BOE obtained personal service on Respondent through the St. Landry Parish Sheriff's Office of a copy of the *Request for Hearing*, with written discovery, including *Requests for Admissions*, propounded to Respondent.¹¹ Respondent was notified in statements accompanying the January 4, 2022, service of the *Request for Hearing* and the attached discovery that he was required to file his supplemental campaign finance disclosure report for the calendar year 2020, and could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4)(b), if he failed to file the report.¹²

As of the September 28, 2022, hearing, Respondent had not filed his supplemental campaign finance disclosure report for the calendar year 2020,¹³ and he had not filed responses to the *Requests for Admissions*.¹⁴

CONCLUSIONS OF LAW

The BOE proved by clear and convincing evidence that Respondent knowingly failed to

⁹ This failure to file was addressed in a previous case before the Ethics Adjudicatory Board, Panel B.

¹⁰ BOE-10. The BOE stated the deadline to file was February 18, 2021, but did not submit evidence showing that February 15, 2021, was a legal holiday. Respondent admitted, by operation of law, under La. C.C.P. art. 1467(A), that he did not file his supplemental campaign finance disclosure report for calendar year 2020. See BOE-11, p. 3.

¹¹ See BOE-4, p. 5; BOE-11, p. 8.

¹² BOE-4, pp. 5 and 22; BOE-11, p. 8. The BOE asserted that Respondent was also notified in the BOE's May 25, 2021, letter accompanying its *Late Fee Assessment Order* that he could be subject to an additional civil penalty not to exceed \$10,000.00, if he failed to file the required supplemental campaign finance disclosure report for the calendar year 2020; however, the BOE did not submit proof that Respondent received the May 25, 2022, letter and *Late Fee Assessment Order*. See BOE-9.

¹³ During the hearing, counsel for the BOE reported that as of September 28, 2022, Respondent had not filed his supplemental campaign finance disclosure report for calendar year 2020 and that Respondent has yet to file a supplemental campaign finance disclosure report showing no surplus and no deficit.

¹⁴ BOE-15, Affidavit of the BOE's Executive Secretary, certifying that as of a September 28, 2022, search of the BOE's records, Respondent has not filed discovery responses. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file his supplemental campaign finance disclosure report for calendar year 2020. See BOE-11, p. 3.

file his supplemental campaign finance disclosure report for calendar year 2020 by the eleventh day after it was due. The BOE is authorized to impose upon Respondent an additional civil penalty not to exceed \$10,000.00, as allowed by La. R.S. 18:1505.4(A)(4)(b).

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to timely file a required campaign finance disclosure report.¹⁵ Every candidate for an “any other” level public office is required to file certain campaign finance disclosure reports by the statutory deadlines.¹⁶ Failure to timely submit required reports constitutes a violation of the CFDA.¹⁷

La. R.S. 18:1495.4(D)(3)(a) provides that if the candidate is not an elected public official and their deficit or surplus is equal to or greater than \$2,500.00, the candidate shall file annual supplemental reports with the BOE of all required information, no later than February 15th of each year, which shall be complete through the preceding December 31st. Such report shall be filed each year for five years or until a report has been filed which shows no deficit or surplus.¹⁸

Respondent was an unsuccessful candidate for the office of Chief of Police, City of Opelousas, which is an “any other” level public office,¹⁹ in the November 6, 2018, election. On November 28, 2018, Respondent filed his final campaign finance disclosure report, which showed a surplus of \$2,004.95, and a deficit of \$13,524.19, in connection with his November 6, 2018, candidacy.

As a candidate for an “any other” level public office, who filed a final report showing a surplus and a deficit in connection with the November 6, 2018, election, Respondent was required

¹⁵ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

¹⁶ La. R.S. 18:1495.4.

¹⁷ La. R.S. 18:1505.1(B).

¹⁸ La. R.S. 18:1495.4(D)(3)(a).

¹⁹ See La. R.S. 18:1483(16); La. R.S. 18:1484(2).

to file annual supplemental campaign finance disclosure reports for five years or until a report was filed that showed no deficit or surplus.²⁰

On March 8, 2019, Respondent filed his supplemental campaign finance disclosure report for calendar year 2018, which showed a surplus of \$354.95 and a deficit of at least \$12,024.19. Because a surplus and a deficit remained, Respondent was required to file supplemental finance disclosure reports for five years or until a report was filed that showed no surplus and no deficit.

Respondent did not file his 2020 supplemental campaign finance disclosure report by its due date, or by the eleventh day after the report was due. Respondent has never filed a supplemental campaign finance disclosure report that showed no surplus and no deficit.

Respondent knew he was required to file certain campaign finance disclosure reports when he acknowledged he was subject to the CFDA upon qualification for candidacy. Respondent knew he was obligated to meet the CFDA filing requirements evidenced by his filing his “10-G” report and his supplemental campaign finance disclosure report for calendar year 2018. Respondent was notified by sheriff’s service of the BOE’s *Request for Hearing* and discovery that he remained obligated to meet the CFDA filing requirements by the statutory deadlines and that additional civil penalties not to exceed \$10,000.00, could be imposed if he did not file his supplemental campaign finance disclosure report for the calendar year 2020.

The BOE proved by clear and convincing evidence that Respondent knowingly failed to file his supplemental campaign finance disclosure report for calendar year 2020, by the eleventh day after the report was due.

Additionally, Respondent’s failure to file his supplemental campaign finance disclosure report for calendar year 2020 within three days after the final date for filing creates a rebuttable

²⁰ La. R.S. 18:1495.4(D)(3)(a).

presumption of intent to not file the report.²¹ Nothing in evidence rebuts this statutory presumption.

If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file a required campaign finance disclosure report by the eleventh day after the report was due, then the BOE may impose an additional civil penalty, not to exceed \$10,000.00, against Respondent for the report that he failed to file.²²

The BOE proved by clear and convincing evidence that Respondent, a candidate for the “any other” level public office of Chief of Police, City of Opelousas, knowingly violated the CFDA by failing to file his 2020 supplemental campaign finance disclosure report by the eleventh day after the report was due.

The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose against Respondent an additional civil penalty, not to exceed \$10,000.00, for the late report as authorized by La. R.S. 18:1505.4(A)(4)(b).

[SPACE INTENTIONALLY LEFT BLANK-ORDER TO FOLLOW]

²¹ La. R.S. 18:1505.1(A).

²² La. R.S. 18:1505.4(A)(4)(b).

ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty, not to exceed \$10,000.00, against Donald D.T. Thompson for his failure to file his supplemental campaign finance disclosure report for the calendar year 2020 by the eleventh day after it was due in connection with his 2018 candidacy for the office of Chief of Police, City of Opelousas.

Rendered and signed on October 11, 2022, in Baton Rouge, Louisiana.

Anthony J. Russo

Anthony J Russo
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel B

Gregory McDonald

Gregory McDonald
Administrative Law Judge
Ethics Adjudicatory Board, Panel B

Esther A. Redmann

Esther A. Redmann
Administrative Law Judge
Ethics Adjudicatory Board, Panel B

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, October 12, 2022, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

REVIEW RIGHTS

This is the final decision of the Ethics Adjudicatory Board. You may seek rehearing or reconsideration of this decision, subject to the grounds for and time limitations provided in Louisiana Revised Statutes 49:977.1. A request for rehearing must be sent to one of the addresses listed below.

EMAIL: EABprocessing@adminlaw.la.gov

FAX: (225) 342-1812

HAND DELIVERY TO:

1020 Florida Street, Baton Rouge, LA 70802

MAIL:

Division of Administrative Law

ATTN: Ethics Adjudicatory Board

P.O. Box 44033

Baton Rouge, LA 70804-4033

You have the right to appeal this decision to the Court of Appeal, First Circuit, in accordance with Louisiana Revised Statutes 42:1142. You must file a written motion for appeal with the Ethics Adjudicatory Board within thirty (30) days after the transmittal of notice of this decision.