

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*

* **DOCKET NO. 2020-5591-ETHICS-B**

*

IN THE MATTER OF

*

*

DONALD R. "DON" MENARD

* **AGENCY TRACKING NO. 5120-024**

DECISION AND ORDER

Donald R. "Don" Menard knowingly failed to file three campaign finance disclosure reports as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Donald R. "Don" Menard additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

APPEARANCES

A hearing was conducted October 22, 2020, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Donald R. "Don" Menard did not appear for the hearing.²

STATEMENT OF THE CASE

The Board of Ethics (BOE) requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Donald R. "Don" Menard (Respondent) failed to file his 30-P and 10-P campaign finance disclosure reports for the October 12, 2019, primary election for Parish President in St. Landry Parish, more than six days past the

¹ Panel B of the EAB consists of Administrative Law Judges William H. Cooper III, Gregory J. McDonald, and Anthony J. Russo.

² BOE Exhibit 10.

due date. The BOE also requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(b), Respondent failed to file his 10-G campaign finance disclosure report for the November 6, 2019, general election for Parish President in St. Landry Parish, more than eleven days past the due date.

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-10, that were admitted into evidence. BOE requested the EAB make a determination on whether Respondent failed to file his 30-P and 10-P campaign finance disclosure reports more than six days past the due date, and whether Respondent failed to file his 10-G campaign finance disclosure report more than eleven days past the due date, which may subject him to additional civil penalties under La. R.S. 18:1505.4(A)(4). The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

FINDINGS OF FACT

Respondent was an unsuccessful district-level candidate for the office of Parish President for St. Landry Parish, in an election held October 12, 2019. Respondent was defeated in the primary election held that date.³ A runoff of the top two primary election candidates was held in the general election on November 16, 2019.⁴ Respondent was required to file a campaign finance disclosure report on September 12, 2019, which was thirty days prior to the primary election (also known as a 30-P) held on October 12, 2019. Respondent was required to file a campaign finance disclosure report ten days prior to the primary election (also known as a 10-P) on October 2, 2019, and a campaign finance disclosure report ten days prior to the general election (also known as the

³ BOE-3, pp. 3-4.

⁴ BOE-4.

10-G) on November 6, 2019.

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁵ All candidates qualifying for an election are provided a Schedule of Reporting and Filing Dates for Candidates (Schedule) prepared by the BOE.⁶ The Schedule informed Respondent that the 30-P report was due September 12, 2019; the 10-P report was due October 2, 2019; and the 10-G report was due November 6, 2019.⁷

Respondent did not file the required 30-P report by the due date, September 12, 2019. The 30-P report had not been filed as of October 5, 2020.⁸

Respondent did not file the required 10-P report by the due date, October 2, 2019. The 10-P report had not been filed as of October 5, 2020.⁹

Respondent was required to file a campaign finance disclosure report ten days prior to the general election (also known as a 10-G), on November 6, 2019, in connection with the election. Respondent did not file the required 10-G report by the due date, November 6, 2019. The 10-G report had not been filed as of October 5, 2020.¹⁰

Respondent failed to appear for the hearing, despite notice of the hearing being sent to his last known address.¹¹

CONCLUSIONS OF LAW

La. R.S. 18:1505.4(A)(4)(a) and (b) provide that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than six days [La. R.S. 18:1505.4(A)(4)(a)] or eleven

⁵ La. R.S. 18:1483(19).

⁶ BOE-4.

⁷ *Id.*

⁸ BOE-9.

⁹ BOE-9.

¹⁰ BOE-9.

¹¹ BOE-10.

days [La. R.S. 18:1505.4(A)(4)(b)] late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties of up to \$10,000.

The BOE proved Respondent failed to timely file three campaign finance disclosure reports. Every candidate for district office (or his campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election.¹² “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.¹³ By knowingly failing to file the required reports, Respondent violated the CFDA, and may be assessed an additional civil penalty up to \$10,000.00 by the BOE for each report.¹⁴

Respondent failed to file his 30-P finance disclosure report by September 12, 2019; he failed to file his 10-P campaign finance disclosure report by October 2, 2019; and he failed to file his 10-G campaign finance disclosure report by November 6, 2019. As of October 5, 2020, he had not filed any of the three reports. Respondent is more than six days late in filing his 30-P and 10-P campaign finance disclosure reports. Respondent is more than eleven days late in filing his 10-G campaign finance disclosure report. The BOE proved Respondent, a candidate for district office, had failed to file a 30-P and a 10-P report more than six days after the reports’ due dates. The BOE proved Respondent, a candidate for district office, had failed to file a 10-G report more than eleven days after the report’s due date. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose additional civil penalties under authority of La. R.S. 18:1505.4(A)(4)(a) and (b), not to exceed ten thousand dollars (\$10,000.00) for each of the three late reports.

¹² La. R.S. 18:1495.4.

¹³ La. R.S. 18:1505.5.

¹⁴ La. R.S. 18:1505.4(A)(4).

ORDER

IT IS ORDERED that Donald R. “Don” Menard’s 2019 30-P campaign finance disclosure report is more than six days late, and the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Donald R. “Don” Menard additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(a).

IT IS ORDERED that Donald R. “Don” Menard’s 2019 10-P campaign finance disclosure report is more than six days late, and the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Donald R. “Don” Menard additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(a).

IT IS ORDERED that Donald R. “Don” Menard’s 2019 10-G campaign finance disclosure report is more than eleven days late, and the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Donald R. “Don” Menard additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(b).

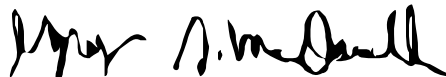
Rendered and signed November 5, 2020, Baton Rouge, Louisiana.



William. H. Cooper III
Presiding Administrative Law Judge



Anthony Russo
Administrative Law Judge



Gregory McDonald
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, November 05, 2020, 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 decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.state.la.us

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.