

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

LOUISIANA BOARD OF ETHICS	*	DOCKET NO. 2024-51187-BOE
	*	
IN THE MATTER OF	*	
	*	
HARVEY E. WHITE, III	*	AGENCY TRACKING NO. 7024-001

DECISION AND ORDER

Harvey E. White, III, requested an adjudicatory hearing with the Ethics Adjudicatory Board regarding the decision of the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, to assess a late filing fee in the amount of \$2,500 for Harvey E. White, III's alleged failure to timely file an amended Schedule E with his Tier 2 Personal Financial Disclosure Statement wherein the Louisiana Board of Ethics asserted that he was required to disclose immovable property owned by his wholly owned company, in accordance with Louisiana Revised Statutes (La. R.S.) 18:1495.7.

The Louisiana Board of Ethics failed to prove by clear and convincing evidence that Harvey E. White, III, was required to file an amended Schedule E with his Tier 2 Personal Financial Disclosure Statement. Because the Louisiana Board of Ethics failed to prove by clear and convincing evidence that Harvey E. White, III, was required to file an amended Schedule E with his Tier 2 Personal Financial Disclosure Statement, the \$2,500 late filing fee assessed against Harvey E. White, III, by the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, was improperly assessed.

APPEARANCES

An adjudicatory hearing on the merits was conducted on June 12, 2025, at the Division of Administrative Law in Baton Rouge, Louisiana, before Panel A of the Ethics Adjudicatory Board

(EAB).¹ Present for the hearing were Alesia Ardoin, counsel for Harvey E. White, III (Appellant), and Charles Reeves, counsel for the Louisiana Board of Ethics (BOE).

JURISDICTIONAL AUTHORITY

The EAB is a legislatively created board, as contemplated by Article X, Section 21 of the Louisiana Constitution. The EAB has original jurisdiction under Louisiana Revised Statute (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

Appellant requested an adjudicatory hearing with the EAB regarding the BOE's decision, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, to assess a \$2,500 late filing fee against Appellant for his alleged failure to timely file an amended Schedule E with his Tier 2 Personal Financial Disclosure Statement (Tier 2 Statement) disclosing immovable property owned by his company. Alesia Ardoin, Appellant's counsel, argues that Appellant was not required to file an amended Schedule E with his Tier 2 Statement as he correctly attested on the Schedule E attached to his original and amended Tier 2 Statements, that neither he nor his spouse has an interest, either individually or collectively, in any immovable property with a value that exceeds \$2,000.² Ms. Ardoin further contends that neither La. R.S. 42:1124.2(C)(6) nor the

¹ Panel A of the EAB consists of administrative law judges Cazeline G. Hebert (presiding), Michele L. Staggs, and Stephanie E. Robin.

² Effective January 1, 2025, La R.S. 42:1124.2(C)(6), was amended to increase the value of the interest in the parcel from \$2,000 to \$5,000.

Schedule E form created and published by the BOE requires that the filer identify any immovable property owned by a legal entity of the filer. As support for Appellant's position, Ms. Ardoin offered exhibits, numbered 1 through 4, which were admitted into evidence without objection.

The BOE claims that it correctly assessed a \$2,500 late filing fee against Appellant because he was required to and failed to timely file an amended Schedule E with his Tier 2 Statement after the BOE learned that Appellant's wholly owned limited liability company (LLC) owns immovable property, including his residence.

The BOE argues that the "interest" in La. R.S. 42:1124.2(C)(6) requires the disclosure of immovable property not just for the filer, his spouse, or both. Rather, the BOE contends that if the filer has a wholly owned LLC (i.e., 100 percent ownership interest in the LLC), and the LLC owns immovable property with an interest value greater than \$2,000, then the LLC's interest value of the immovable property is transferred to the filer and the filer is then required to disclose such immovable property to the BOE on the Schedule E of the Tier 2 Statement.

As support for its assertion that Appellant's wholly owned LLC owns immovable property requiring disclosure, the BOE relies solely on unsupported oral representations made either by or on behalf of Appellant to a BOE employee. Specifically, the BOE argues that it was informed by either Appellant or his former attorney that Appellant does not personally own any immovable property, but that all immovable property is owned by Appellant's wholly owned LLC. The BOE offered its exhibits, numbered BOE-1 through BOE-10, which were admitted into evidence without objection.

FINDINGS OF FACT

Appellant qualified to be a candidate for the office of State Senator, 33rd Senatorial District, State of Louisiana, for the election held on October 14, 2023.³ In connection with his candidacy for the October 14, 2023, election, Appellant was required to file a Tier 2 Statement.⁴ The BOE created and published the Tier 2 Statement. Appellant filed the required Tier 2 Statement with the BOE on August 7, 2023.⁵ The Tier 2 Statement includes a Certificate of Accuracy, with a signature line under the statement that reads “I do hereby certify that the information contained in this personal financial disclosure statement is true and correct to the best of my knowledge, information, and belief.”⁶ Appellant signed the Certificate of Accuracy.⁷ The Tier 2 Statement includes 12 schedules, lettered A through L, all of which Appellant filed with his Tier 2 Statement. Each schedule includes a box labeled “Check if not applicable.”⁸

Schedule E requires the disclosure of “Immovable Property (where the value of the interest in the parcel exceeds \$2,000)” and includes checkboxes for Filer, Spouse, or Both.”⁹ On the Schedule E of his Tier 2 Statement, Appellant put an “x” in the box labeled “Check if not applicable.”¹⁰

The BOE issued a notice of delinquency to Appellant on September 29, 2023.¹¹ The BOE’s notice of delinquency required Appellant to disclose “Whiteco Management company on SCHEDULE B. . . . all immovable property that you and or your spouse owned an interest in

³ BOE-2.

⁴ Counsel for both parties stipulated during the hearing that Appellant was required to file, at a minimum, an original Tier 2 Statement.

⁵ *Id.* See also Appellant Exhibit 1.

⁶ *Id.* at p. 1.

⁷ *Id.*

⁸ *Id.* at pp. 2-16.

⁹ *Id.* at p. 9.

¹⁰ *Id.*

¹¹ BOE-3.

(covering calendar year 2022) on SCHEDULE E. . . . [and] the exact dollar amount of income received (during calendar year 2022) from White Gaming Corporation, and Whiteco Gaming on SCHEDULE F.”¹² Appellant had seven business days from the date of receipt of the notice of delinquency to file his amended Tier 2 Statement.¹³

On October 4, 2023, Appellant filed an amended Tier 2 Statement, including Schedules B, E, and F.¹⁴ Appellant signed the Certificate of Accuracy on his amended Tier 2 Statement.¹⁵ Appellant again marked the box labeled “Check if not applicable” on Schedule E.¹⁶ The BOE accepted Appellant’s amended Tier 2 Statement for Schedules B and F. The BOE did not accept Appellant’s disclosure response on Schedule E of his amended Tier 2 Statement. No evidence or testimony was offered to show that Appellant, his spouse, or his wholly owned LLC has an interest in any immovable property with a value that exceeds \$2,000.

On January 5, 2024, the BOE issued a Late Fee Assessment Order to Appellant assessing Appellant with a fine of \$2,500.¹⁷ The BOE’s January 5, 2024, Late Fee Assessment Order states that Appellant was issued a notice of delinquency on October 2, 2023, and that he failed to file an amendment to his Tier 2 Statement by October 11, 2023.¹⁸ A delinquency notice dated October 2, 2023, was not offered as evidence.¹⁹

On January 30, 2024, Appellant requested both an appeal of the BOE’s Late Fee Assessment and a waiver of the \$2,500 late filing fee assessed.²⁰ The BOE did not forward

¹² *Id.*

¹³ *Id.*

¹⁴ BOE-10.

¹⁵ *Id.* at p. 1.

¹⁶ *Id.* at p. 3.

¹⁷ BOE-4 and Appellant Exhibit 2.

¹⁸ *Id.*

¹⁹ Although a delinquency notice dated October 2, 2023, was not attached as evidence, the parties agree that this action is based solely on Appellant’s alleged failure to timely file an amended Schedule E with his Tier 2 Statement.

²⁰ Appellant Exhibit 4.

Appellant's January 30, 2024, appeal request to the EAB for its review and consideration.

On May 9, 2024, the BOE declined to waive the \$2,500 late filing fee assessed against Appellant.²¹ On May 28, 2024, Appellant again requested an appeal to the EAB of the BOE's Late Fee Assessment and sought reconsideration of the BOE's decision not to waive its \$2,500 late filing fee.²² The BOE did not forward Appellant's May 28, 2024, appeal request to the EAB for its review and consideration.

In response to Appellant's request for reconsideration, the BOE affirmed its decision declining to waive the late filing fee of \$2,500 and issued notice to Appellant on September 23, 2024.²³ For a third time, on October 14, 2024, Appellant requested an appeal to the EAB regarding the BOE's Late Fee Assessment of \$2,500.²⁴ The BOE forwarded Appellant's October 14, 2024, appeal request to the EAB.

CONCLUSIONS OF LAW

Burden of proof

Appellant appealed the BOE's \$2,500 late filing fee, arguing that the BOE erred in its determination that Appellant was required to file an amended Schedule E with his Tier 2 statement.²⁵ While Appellant requested an appeal of the BOE's late fee assessment, it is the BOE's burden to prove by clear and convincing evidence that Appellant was required to file an amended Schedule E with his Tier 2 Statement and that his failure to timely file an amended Schedule E supports the \$2,500 late filing fee assessed.

²¹ BOE-6.

²² BOE-7 and Appellant Exhibit 4.

²³ Appellant Exhibit 3 and BOE-8, pp. 3-4. A previous notice was issued on August 7, 2024, to Appellant; however, that notice was returned to sender as undeliverable; BOE-8, pp. 1-2.

²⁴ Appellant Exhibit 4.

²⁵ *Id.* As noted above, Appellant filed three separate appeals with the BOE; however, for reasons unknown, only the last appeal filed on October 14, 2024, was forwarded to the EAB for its review and consideration. Although, the BOE acknowledged receipt of Appellant's two prior appeal requests (January 30, 2024, and May 28, 2024), as of the date of this *Decision*, the BOE has not forwarded those appeal requests to the EAB.

The statutes governing the filing of Tier 2 Statements and appeals regarding the BOE's assessment of late filing fees create a two-part test for the EAB to consider: (1) was the individual or political committee required to file a disclosure report—or, in this matter, was Appellant required to file an amended Schedule E with his Tier 2 Statement, and if so, (2) was the report timely filed?²⁶ We address the first question below.

Was Appellant required to file an amended Schedule E with his Tier 2 Statement?

There is no dispute, and the parties stipulate, that Appellant was required to and did file a Tier 2 Statement with the BOE on August 7, 2023, in connection with his candidacy for the October 14, 2023, election. Additionally, after receiving the BOE's September 29, 2023, notice of delinquency, Appellant filed an amended Tier 2 Statement with the BOE on October 4, 2023, wherein he included additional information in Schedules B and F and resubmitted Schedule E. The issue in this case, however, arises from the BOE's finding that Appellant was required to file an amended Schedule E with his Tier 2 Statement and that he failed to do so.

Appellant asserts that the BOE erred in its finding that Appellant was required to file an amended Schedule E as previously he complied with the filing requirements. Appellant disclosed on the Schedule E form in both his original and amended Tier 2 Statements that neither he nor his spouse have any interest, either individually or collectively, in any immovable property with a value of more than \$2,000 when he marked the "Check if not applicable" box. Additionally, Appellant argues that there is nothing on the Schedule E form or in the statute that requires Appellant to disclose any immovable property owned by his wholly owned LLC. Appellant asserts that the statute and the Schedule E form only require disclosure of the individual interest of the filer, his spouse's individual interest, or their collective interest in immovable property.

²⁶ La. R.S. 18:1495.7 and La. R.S. 42:1124.2 govern the filing of Tier 2 Statements, and La. R.S. 42:1157 governs appeals to the EAB regarding late filing fees assessed by the BOE.

The BOE created and distributed the Tier 2 Statement, including Schedule E. The Schedule E is the physical embodiment of La. R.S. 42:1124.2(C)(6). At the time of Appellant's Tier 2 Statement filings in 2023, La. R.S. 42:1124.2(C)(6) required disclosure of

[a] brief description, fair market value or use value as determined by the assessor for purposes of ad valorem taxes, and the location by state and parish or county of each parcel of immovable property in which **the individual or spouse, either individually or collectively**, has an interest, provided that **the value of the interest that the individual or spouse, either individually or collectively**, has in the parcel of immovable property exceeds two thousand dollars" (emphasis added).

However, in this case, the BOE takes its interpretation of La. R.S. 42:1124.2(C)(6) a step further and contends that because Appellant has a wholly owned LLC that owns immovable property, then by extension, that LLC's ownership interest in immovable property is transferred to Appellant. Therefore, the BOE contends that Appellant is required to report such immovable property on Schedule E of his Tier 2 Statement.

The evidence does not support a finding that the BOE proved by clear and convincing evidence that Appellant was required to file an amended Schedule E with his Tier 2 Statement.

First, there is no requirement in La. R.S. 42:1124.2(C)(6) that an individual or his spouse must own immovable property, as is evidenced by the box labeled "Check if not applicable" on the Schedule E form. Appellant certified on the Schedule E form in both his original and amended Tier 2 Statements that this disclosure was not applicable to him or his spouse. No evidence was offered that Appellant or his spouse, either individually or collectively, own immovable property. Therefore, the record supports the conclusion that Appellant's attestations on the Schedule E in his original and amended Tier 2 Statements is correct and that Schedule E is not applicable to him.

Second, the BOE's contention that Appellant was required to file an amended Schedule E, disclosing immovable property held by his wholly owned LLC, is based on oral representations made to a BOE employee and is not supported by the record. The BOE did not call any witnesses to corroborate this alleged conversation, nor did it offer any evidence that Appellant's wholly (or otherwise) owned LLC held any immovable property.

Because the BOE presented no evidence that Appellant's LLC held any immovable property, the EAB need not address the BOE's argument that immovable property held by Appellant's LLC (assuming it meets the threshold value amount) triggers his obligation to disclose such immovable property on Schedule E of his Tier 2 Statement.

Conclusion

Because the BOE failed to prove by clear and convincing evidence that Appellant was required to file an amended Schedule E with his Tier 2 Statement, there is no need to further analyze the timeliness of any such filing. Thus, the BOE's assessment of a \$2,500 late filing fee against Appellant is not supported by the record and was improperly assessed.

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ORDER

IT IS ORDERED that Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, failed to prove by clear and convincing evidence that Harvey E. White, III, was required to file an amended Schedule E with his Tier 2 Personal Financial Disclosure Statement.

IT IS FURTHER ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, improperly assessed a late filing fee of \$2,500 against Harvey E. White, III.

Rendered and signed on July 25, 2025, in Baton Rouge, Louisiana.

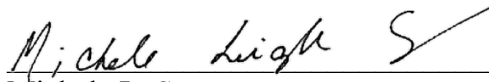


Cazeline G. Hebert
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel A
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, July 25, 2025, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Michele L. Staggs
Administrative Law Judge
Ethics Adjudicatory Board, Panel A
Division of Administrative Law



Stephanie E. Robin
Administrative Law Judge
Ethics Adjudicatory Board, Panel A
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.