

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

BOARD OF ETHICS

*** DOCKET NO. 2021-6785-ETHICS-A**

IN THE MATTER OF

L. JAMEEL SHAHEER

*** AGENCY TRACKING NO. 5121-074**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested an adjudicatory hearing to have the Ethics Adjudicatory Board determine whether L. Jameel Shaheer failed to file his 2020 supplemental campaign finance disclosure report by the eleventh day after it was due, in connection with his 2019 candidacy for State Representative.¹ The Louisiana Board of Ethics proved by clear and convincing evidence that L. Jameel Shaheer failed to file the report as alleged. The Louisiana Board of Ethics is authorized to impose a civil penalty not to exceed \$10,000 against L. Jameel Shaheer pursuant to Louisiana Revised Statutes (La. R.S.) 18:1505.4(A)(4)(b).

APPEARANCES

The hearing in this matter was conducted on May 12, 2022, in Baton Rouge, Louisiana, before Panel A of the Ethics Adjudicatory Board.² Charles E. Reeves, Jr., appeared as counsel on behalf of the Louisiana Board of Ethics. Though properly noticed, L. Jameel Shaheer did not appear for the hearing.³

¹ State Representative, Ninety-Ninth Representative District, Parish of Orleans.

² The panel consisted of administrative law judges Lance B. Vinson (presiding), Edwin L. Hightower, and Sherlyn D. Shumpert.

³ On February 25, 2022, the *Order of Continuance* setting this matter for hearing was mailed by the Division of Administrative Law's Administrative Hearings Clerk to Mr. Shaheer's last known address. See BOE-11.

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

In connection with his 2019 candidacy for State Representative, the Louisiana Board of Ethics (BOE), in its capacity as the Supervisory Committee on Campaign Finance Disclosure, seeks to assess a civil penalty against L. Jameel Shaheer (Respondent) for failing to file his 2020 supplemental campaign finance disclosure report by the eleventh day after it was due. La. R.S. 18:1505.4(A)(4)(b) authorizes this civil penalty and provides that it cannot exceed \$10,000.

Counsel for the BOE offered eleven exhibits during the hearing, which were admitted into evidence.⁴ Counsel presented the case on behalf of the BOE, after which the record was closed, and the matter taken under advisement.

FINDINGS OF FACT

- 1) Respondent qualified as a candidate for State Representative, Ninety-Ninth Representative District, Parish of Orleans, in the October 12, 2019, primary election.⁵ Respondent did not receive enough votes in the primary election to qualify to participate

⁴ The exhibits were marked and admitted as BOE-1 through BOE-11.

⁵ BOE-2 (Secretary of State: candidate qualification verification for Respondent), p. 1.

in the general election.⁶

- 2) When he qualified as a candidate in the primary election, Respondent acknowledged that he was subject to the provisions of the CFDA.⁷
- 3) In connection with the primary election, Respondent reported a surplus in the amount of \$15,340.13⁸ and a deficit in the amount of \$20,702.06.⁹
- 4) Respondent's supplemental campaign finance disclosure report covering the 2020 calendar year was due on February 15, 2021.¹⁰
- 5) Respondent did not file his supplemental campaign finance disclosure report covering the 2020 calendar year by the February 15, 2021, deadline or by February 26, 2021, the eleventh day after it was due.¹¹
- 6) The BOE served Respondent with the *Request for Hearing* on January 18, 2022.¹²

CONCLUSIONS OF LAW

Respondent knowingly failed to file his supplemental campaign finance disclosure report for the 2020 calendar year by the February 15, 2021, deadline or by February 26, 2021, the eleventh day after it was due. For this failure, the BOE is authorized to impose a civil penalty against Respondent as allowed by La. R.S. 18:1505.4(A)(4)(b).

Adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(a) and (b) cover two kinds of campaign finance disclosure reports candidates must file in connection with elections. La. R.S. 18:1505.4(A)(4)(a) addresses reports that candidates must file between the time the candidate qualified for the election and the election day. La. R.S. 18:1505.4(A)(4)(b) addresses "other

⁶ See BOE-3 (Secretary of State: Official Results), p. 12.

⁷ See BOE-2 (*State of Louisiana – Notice of Candidacy (Qualifying Form)*), p. 3.

⁸ BOE-5 (November 6, 2019, *Candidate's Report*), p. 2.

⁹ BOE-5 (November 6, 2019, *Candidate's Report*), pp. 4-7.

¹⁰ La. R.S. 18:1495.4(D)(3)(a).

¹¹ BOE-7 (*Affidavit of Angela Newsom*, Director of Campaign Finance for the BOE).

¹² See BOE-4, p. 14.

reports” candidates must file in connection with elections that fall outside the time frame in the previous provision. In either case, the BOE must prove by clear and convincing evidence¹³ that the candidate knowingly¹⁴ failed to file a required report within six days or eleven days, respectively, following the date it was due.

Respondent was a candidate for State Representative, in the October 12, 2019, primary election. Every candidate is required to file certain campaign finance disclosure reports by the statutory deadlines.¹⁵ Failure to timely submit required reports constitutes a violation of the CFDA.¹⁶

Respondent reported a surplus in the amount of \$15,340.13 and a deficit in the amount of \$20,702.06 in connection with his 2019 candidacy for State Representative. Because he reported a surplus and a deficit in excess of \$2,500, Respondent was required to report his deficit and surplus annually on supplemental campaign finance disclosure reports for five years or until a report has been filed which shows no deficit or surplus.¹⁷ Respondent’s campaign finance disclosure report covering the 2020 calendar year was due on February 15, 2021.¹⁸ Respondent did not file his supplemental campaign finance disclosure report covering the 2020 calendar year by the February 15, 2021, deadline or by February 26, 2021, the eleventh day after it was due.

If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file a required campaign finance disclosure report within the applicable time

¹³ 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. The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976) (internal citations omitted).

¹⁴ La. R.S. 18:1505.4(A)(1).

¹⁵ La. R.S. 18:1495.4(A).

¹⁶ La. R.S. 18:1505.1(B).

¹⁷ See La. R.S. 18:1495.4(D)(3)(a).

¹⁸ Each supplemental campaign finance disclosure report “shall be filed annually no later than February fifteenth and shall be complete through the preceding December thirty-first.” La. R.S. 18:1495.4(D)(3)(a).

period, the BOE may impose a civil penalty not to exceed \$10,000 against Respondent for each report that he failed to timely file.¹⁹ Failure to file a required report within three days after the final date for filing creates a rebuttable presumption of intent to not file the report.²⁰ Nothing in evidence rebuts this statutory presumption.

With the benefit of the un rebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file his supplemental campaign finance disclosure report covering the 2020 calendar year by February 26, 2021, the eleventh day after it was due. As a result, the BOE is authorized to impose a civil penalty of up to \$10,000 as allowed by La. R.S. 18:1505.4(A)(4)(b).

¹⁹ La. R.S. 18:1505.4(A)(4).

²⁰ La. R.S. 18:1505.1(A).

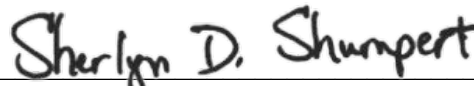
ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose a civil penalty not to exceed \$10,000 against L. Jameel Shaheer for failing to file his supplemental campaign finance disclosure report covering the 2020 calendar year by the eleventh day after it was due.

Rendered and signed on May 27, 2022, in Baton Rouge, Louisiana.



Lance B. Vinson
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel A



Sherlyn D. Shumpert
Administrative Law Judge
Ethics Adjudicatory Board, Panel A



Edwin L. Hightower
Administrative Law Judge
Ethics Adjudicatory Board, Panel A

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, June 01, 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 49:959. 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.