

TERREBONNE PARISH SHERIFF



INVESTIGATIVE AUDIT
ISSUED JULY 24, 2013

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

July 24, 2013

THE HONORABLE JERRY J. LARPENTER, SHERIFF
TERREBONNE PARISH
Houma, Louisiana

We have audited certain transactions of the Terrebonne Parish Sheriff's Office. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the propriety of certain allegations we received.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required by *Government Auditing Standards*.

The accompanying report presents our findings and recommendations as well as management's response. This is a public report. Copies of this report have been delivered to the United States Attorney for the Eastern District of Louisiana, the District Attorney for the 32nd Judicial District of Louisiana, the Louisiana Board of Ethics, and others as required by law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Daryl G. Purpera".

Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP/ch

TFSO 2013

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EXECUTIVE SUMMARY

Former Sheriff's Compensation Exceeded Maximum Amount Allowed

In addition to receiving a salary that was set at the statutory maximum, former Terrebonne Parish Sheriff Vernon Bourgeois (Sheriff Bourgeois) received a \$16,133 payment for unused accumulated leave. Because this extra payment to Sheriff Bourgeois caused his compensation to exceed the statutory maximum amount allowed for Louisiana sheriffs, he may have violated state law. We further noted that former Sheriff Bourgeois received \$600 per year in clothing allowance payments during his term (July 1, 2008, to June 30, 2012) which also caused his pay to exceed the statutory maximum.

Personal Fuel Expenses of Former Sheriff Bourgeois

From January 1, 2009, to November 4, 2011, the Terrebonne Parish Sheriff's Office (TPSO) improperly paid \$1,950 of personal fuel expenses charged on TPSO credit cards in connection with former Sheriff Bourgeois traveling out-of-state to attend:

- (1) football games of LSU and the New Orleans Saints in a TPSO vehicle;
- (2) race car events in a TPSO vehicle and a personal vehicle; and
- (3) conferences in which vehicles were rented and sightseeing excursions were taken.

Because these travel expenses had no business purpose, the expenditure of these public funds and the former sheriff's personal use of TPSO vehicles may violate state law. In addition, former Sheriff Bourgeois may have violated a state ethics law by accepting a free round-trip flight on a private jet to a conference in Nevada.

Property Not Sold or Seized to Collect Delinquent Property Taxes

Former Sheriff Bourgeois failed to sell or seize property of Baby Oil Company sufficient to pay \$394,627 of delinquent property taxes (including interest and penalties). The taxes owed were for years 2009 through 2012. Failure to sell or seize sufficient property to pay delinquent property taxes may violate the state constitution and state law.

Improper Donation of Inmate Labor

Former Sheriff Bourgeois failed to comply with a cooperative endeavor agreement and may have violated the state constitution by donating approximately \$350,000 of inmate labor to Louisiana Workforce, LLC, to perform improvements to a public building used for the work release program.

Improper Donation of Security Detail to Nicholls State University

For three years, former Sheriff Bourgeois directed/authorized Terrebonne Parish deputies to provide a security detail for the Nicholls State University football team when it traveled to its away games. All away games were played outside of Lafourche Parish where Nicholls State University is located. TPSO deputies incurred salary, meal costs, and fuel expenses totaling \$21,392 for this out-of-parish (and sometimes out-of-state) detail that was provided for the 2009, 2010, and 2011 football seasons. The TPSO has no obligation to provide a security detail for a football team of a university for games played outside of Terrebonne Parish. Therefore, the cost of this out-of-parish security detail may represent an improper donation and violate the state constitution.

Improper Payments for Off-Duty Detail Work Performed During Regular Work Hours

TPSO deputies worked 53 hours filming reenactments of TPSO law enforcement operations for the television series “Cajun Justice” during the same hours they claimed to perform their regular job duties for the TPSO. Because both the film production company and the TPSO paid the deputies for these 53 hours, the deputies were paid twice for the same hours. As a result, the TPSO improperly paid the deputies \$988 for 53 hours of film reenactments paid for separately by the film production company. Payments for these hours may violate the state constitution.

BACKGROUND AND METHODOLOGY

As provided by Article V, Section 27 of the Louisiana Constitution of 1974, the sheriff serves a four-year term as the chief executive officer of the law enforcement district and ex-officio tax collector of the parish. The sheriff also administers the parish jail system and exercises duties required by the parish court system, such as providing bailiffs, executing orders of the court, and serving subpoenas.

The Louisiana Legislative Auditor (LLA) received information alleging improper expenditures of public funds by former Terrebonne Parish Sheriff Vernon Bourgeois. The LLA conducted an investigative audit of the Terrebonne Parish Sheriff's Office (TPSO) to determine the credibility of these allegations.

The procedures performed during this audit included:

- (1) interviewing employees of the TPSO;
- (2) interviewing other persons as appropriate;
- (3) examining selected documents and records of the TPSO;
- (4) gathering documents from external parties; and
- (5) reviewing applicable state laws and regulations.

FINDINGS AND RECOMMENDATIONS

Former Sheriff’s Compensation Exceeded Maximum Amount Allowed

In addition to receiving a salary that was set at the statutory maximum,ⁱ former Terrebonne Parish Sheriff Vernon Bourgeois (Sheriff Bourgeois) received a \$16,133 payment for unused accumulated leave. Because this extra payment to Sheriff Bourgeois caused his compensation to exceed the statutory maximum amount allowed for Louisiana sheriffs, he may have violated state law.^{1,3} We further noted that former Sheriff Bourgeois received \$600 per year in clothing allowance payments during his term (July 1, 2008, to June 30, 2012) which also caused his pay to exceed the statutory maximum.^{1,2}

The rate of compensation paid to Louisiana sheriffs is set by state law^{1,2} and can only be increased by legislative act.¹ Terrebonne Parish Sheriff Office (TPSO) records show that the regular salary paid each year to former Sheriff Bourgeois was the maximum amount allowed by state law.^{1,2}

Sheriff Bourgeois’ Salary from July 1, 2008, to June 30, 2012			
Fiscal Year	Annual Compensation Maximum (Statutory)	Excess Payments	
		Clothing Allowance	Paid Leave
2008-2009	\$129,694	\$600	
2009-2010	136,382	600	
2010-2011	143,398	600	
2011-2012	143,398	600	\$16,133
Total	\$552,872	\$18,533	
	Less Payroll Discrepancies ⁱ	1,308	
	Revised Total	\$17,225	

TPSO records show that on June 25, 2012 (five days before the end of his term), Sheriff Bourgeois received a payment of \$16,133 for unused accumulated annual (vacation) leave.ⁱⁱ Former Chief Civil Deputy Hope Brunet stated that former Sheriff Bourgeois directed her to pay him the balance of his unused leave at the time he left office. When we asked former Sheriff Bourgeois about this extra payment, he told us that approximately six months prior to leaving office, he received a call from another Louisiana sheriff (he could not remember which sheriff) who told him that he received a verbal opinion from the Louisiana Attorney General that sheriffs could receive pay for unused leave. However, we could not find a published opinion of the Louisiana Attorney General that allows such payment, nor could we find an opinion that would

ⁱ Although Sheriff Bourgeois’ salary was set at the statutory maximum for each of the four years he was sheriff, due to timing errors in the application of his raises, he was actually paid \$1,308 less over these four years than he should have received if he was paid at the statutory maximum.

ⁱⁱ According to the Chief Civil Deputy, the prior sheriff did not receive any payment for accumulated leave or a clothing allowance during his tenure as sheriff.

allow the former sheriff to receive payment in excess of the statutory maximum salary set by state law.^{1,2}

We also noted that former Sheriff Bourgeois did not submit time sheetsⁱⁱⁱ and only submitted one leave application (was not dated and was for three days of vacation in January 2012) during his entire four-year term as sheriff. According to former Sheriff Bourgeois, he took this leave because he was out of the country and not in contact with his office. He stated he did not take leave any other time during his tenure as sheriff because he was always in contact with his office. TPSO records also show that Sheriff Bourgeois received payment of a \$600 annual clothing allowance during his term as sheriffⁱⁱ which also caused his pay to exceed the statutory maximum.

Since the cumulative compensation paid to Sheriff Bourgeois during his four years as sheriff exceeded the compensation level set by state law,¹ by a total of \$17,225, he may have violated state law.^{1,3}

Personal Fuel Expenses of Former Sheriff Bourgeois

From January 1, 2009, to November 4, 2011, TPSO improperly paid \$1,950 of personal fuel expenses charged on TPSO credit cards in connection with former Sheriff Bourgeois traveling out-of-state to attend:

- (1) football games of LSU and the New Orleans Saints in a TPSO vehicle;**
- (2) race car events in a TPSO vehicle and a personal vehicle; and**
- (3) conferences in which vehicles were rented and sightseeing excursions were taken.**

Because these travel expenses had no business purpose, the expenditure of these public funds and the former sheriff's personal use of TPSO vehicles may violate state law.^{3,4} In addition, former Sheriff Bourgeois may have violated a state ethics law⁵ by accepting a free round-trip flight on a private jet to a conference in Nevada.

Over this three-year period, Sheriff Bourgeois attended six out-of-state football games, two out-of-state car races, and two out-of-state conferences where he and other TPSO deputies took sightseeing excursions. Our audit revealed that former Sheriff Bourgeois and former Deputy Keith Gallicio purchased fuel with a TPSO credit card^{iv} for TPSO vehicles, rental vehicles, and in one instance a personal vehicle. The improper fuel purchases are summarized in the following table.

ⁱⁱⁱ Sheriff Bourgeois instituted a policy under which captains and above were not required to submit written time sheets but were required to submit written leave requests.

^{iv} Some fuel was purchased by former Deputy Keith Gallicio who was traveling with former Sheriff Bourgeois to these events.

Improper Fuel Purchases by former Sheriff Bourgeois^{iv}				
Date of Event	Location	Event	Date of Fuel Purchase	Fuel Cost
December 13, 2009	Atlanta, GA	New Orleans Saints vs. Atlanta Falcons	December 12 and 13, 2009	\$167
December 31, 2009	Atlanta, GA	LSU vs. Georgia Tech	January 1, 2009	47
November 25, 2010	Arlington, TX	New Orleans Saints vs. Dallas Cowboys	November 24 and 26, 2010	137
January 7, 2011	Arlington, TX	LSU vs. Texas A&M	January 5 and 8, 2011	169
September 15, 2011	Starkville, MS	LSU vs. Mississippi State	September 16, 2011	62
November 5, 2011	Tuscaloosa, AL	LSU vs. Alabama	November 4, 2011	109
December 5, 2010	Pensacola, FL	2010 Snowball Derby at Five Flags Speedway	December 4, 2010	91
October 23, 2011	Talladega, AL	2011 Good Sam Club 500 at Talladega Superspeedway	October 19 and 24, 2011	868
August 8-13, 2010	Sparks, NV	17 th Annual International Homicide Investigators Association Symposium	August 12 and 13, 2010	106
August 15-18, 2011	Salt Lake City, UT	The Fraternal Order of Police 60 th Biennial Conference	August 16 and 17, 2011	194
		Total		\$1,950

Travel to LSU and New Orleans Saints Football Games

According to former Sheriff Bourgeois, over the three-year period, he used TPSO vehicles to attend four out-of-state LSU football games (in Georgia, Texas, Mississippi, and Alabama) and two out-of-state New Orleans Saints games (in Georgia and Texas). In addition, he charged a total of \$691 of fuel on TPSO credit cards that was paid by the TPSO.

For example, during Sheriff Bourgeois' trip to the Cotton Bowl in Arlington, Texas (held on January 7, 2011, when LSU played Texas A&M), he purchased \$169 of fuel with a TPSO credit card. Although former Sheriff Bourgeois agreed that these six football trips had no business purpose, he stated he felt there was nothing wrong with his use of TPSO vehicles and purchases of fuel to attend football games and claimed other Louisiana sheriffs did the same.

Trips to Talladega Superspeedway and Five Flags Speedway

According to former Sheriff Bourgeois, he travelled to racing events held at Talladega Superspeedway in Talladega, Alabama and Five Flags Speedway in Pensacola, Florida where our audit revealed he incurred \$959 of fuel expenses that was paid by the TPSO. Sheriff Bourgeois was accompanied on the Talladega trip by former TPSO Deputy Keith Gallicio.^v

^v Former Deputy Gallicio stated that he did not attend the race at Talladega but went there at the request of a local sheriff to perform security for the race. He could not recall the name of the sheriff so we cannot confirm the purpose for Deputy Gallicio's attendance at this event.

TPSO business records show the fuel purchases were made on TPSO credit cards belonging to Sheriff Bourgeois and Deputy Gallicio.

According to former Sheriff Bourgeois and TPSO records, he and former Deputy Gallicio took a private camper to the Talladega race and purchased \$868 of fuel with their TPSO credit cards. He also confirmed he purchased \$91 of fuel with his TPSO credit card during his trip to Five Flags Speedway. Former Sheriff Bourgeois stated that he travelled to Talladega to assist with security at a race being held there. He said that when he arrived, racetrack management informed him they no longer needed his security services. He further stated that he intended to reimburse the TPSO for the fuel purchases made on the Talladega trip, but that he never got around to it. According to former Sheriff Bourgeois, the fuel purchased on the TPSO credit card for his travel to Five Flags Speedway in a TPSO vehicle was a mistake. Because neither racing trip had a business purpose, these fuel expenses and the use of a TPSO vehicle appear to be personal expenses.

The Fraternal Order of Police 60th Biennial Conference held in Salt Lake City, Utah

Sheriff Bourgeois attended the conference with Deputy Keith Gallicio and incurred \$194 of fuel expenses related to personal sightseeing trips that was charged on TPSO credit cards. The conference started on Monday, August 15, 2011, and ended on Thursday, August 18, 2011. They flew into Salt Lake City, Utah on Sunday, August 14, 2011, stayed four nights and flew back to Houma, Louisiana on Thursday, August 18, 2011.

Receipts supporting the conference trip show the rental of a Dodge Durango for \$482 and the TPSO credit cards statements for former Sheriff Bourgeois and former Deputy Gallicio show fuel purchases totaling \$194 made in southern Utah and in Wyoming, none of which appear related to the conference in Salt Lake City. Former Sheriff Bourgeois stated he took the Durango on a sightseeing trip one day with former Deputy Gallicio and part of the next day by himself. Former Deputy Gallicio confirmed he went sightseeing with former Sheriff Bourgeois while in Utah. Since these sightseeing trips were not related to the conference but personal, the \$194 of fuel purchases appears to have been for the personal benefit of former Sheriff Bourgeois and former Deputy Gallicio.

The Seventeenth Annual International Homicide Investigators Association (IHIA) Symposium in Sparks, Nevada

Sheriff Bourgeois and his spouse attended the conference with a TPSO deputy and spouse and charged \$106 of fuel expenses on a TPSO credit card. The conference started on Sunday, August 8, 2010, and ended on Friday, August 13, 2010. The purpose of the trip was for a TPSO deputy to receive an award from the IHIA for work on a serial killer case. According to former Sheriff Bourgeois, he arranged a private jet (owned by a local Houma businessman) to fly himself, the honored deputy, and their spouses (the honored deputy's spouse is also a deputy at the TPSO) to the conference where they stayed three nights at the conference hotel. According to the two deputies, prior to the sheriff informing them that he was making the flight arrangements, the IHIA had already purchased one commercial airline ticket (for use by the deputy being honored) and they had already personally purchased their other ticket. After

former Sheriff Bourgeois informed them he was arranging the air travel, the deputies said they obtained credit for the ticket purchased with personal funds and informed the IHIA that they would not be using the ticket that they (IHIA) had purchased.

Since former Sheriff Bourgeois arranged a round-trip flight to Nevada on a private jet free of charge for himself, his spouse, and two TPSO deputies, they (former Sheriff Bourgeois and the two deputies) may have violated a state ethics law.⁵ In addition, TPSO records show former Sheriff Bourgeois charged \$488.37 to his TPSO credit card for three nights lodging and food for the pilot of the plane.

Furthermore, former Sheriff Bourgeois stated his only participation in the conference was attendance at a banquet where the award was presented. He further stated that he spent the rest of the time at the conference involved in personal activities. According to TPSO records, former Sheriff Bourgeois rented a Nissan Armada for \$600 and made two fuel purchases during the trip totaling \$106. Since the distance from the airport to the conference hotel was about three miles, the \$106 of fuel purchases appears to be for the personal benefit of former Sheriff Bourgeois.

Property Not Sold or Seized to Collect Delinquent Property Taxes

Former Sheriff Bourgeois failed to sell or seize property of Baby Oil Company (Baby Oil) sufficient to pay \$394,627 of delinquent property taxes (including interest and penalties). The taxes owed were for years 2009 through 2012. Failure to sell or seize sufficient property to pay delinquent property taxes may violate the state constitution⁶ and state law.⁷

As of March 25, 2013, TPSO records show that Baby Oil, an oil and gas field exploration service company located in Houma, Louisiana, owes \$394,627 to the TPSO for delinquent property taxes (including interest and penalties) which have accumulated over the past four years (2009 to 2012). Although TPSO records show that Baby Oil requested extensions to pay property taxes owed in 2010 and 2011, there are no TPSO records indicating that these extensions were granted. The owner of Baby Oil confirmed to us that he did not receive any extensions to pay the delinquent property taxes.

According to the TPSO Tax Office director, former Sheriff Bourgeois personally brought one of the extension requests to the Tax Office and gave it to one of her employees. The Tax Office director also recalled a meeting where she and another Tax Office employee informed former Sheriff Bourgeois of the delinquent property taxes owed by Baby Oil and he said to give them (Baby Oil) an extension. However, when we spoke with former Sheriff Bourgeois, he stated that Tax Office employees never discussed with him any problems they were having with Baby Oil and that he only found out about the issue from newspaper reports after he left office. He added that he does not recall authorizing an extension for Baby Oil to pay delinquent property taxes.

Over the past four years that Baby Oil's property taxes have been delinquent, the TPSO made no effort to either sell or seize property of Baby Oil. According to the Tax Office director,

Sheriff Bourgeois never followed up with the Tax Office after he instructed staff to give the extension to Baby Oil. The Tax Office director added that no action was taken because she received no guidance from Sheriff Bourgeois and considering the amount of delinquent taxes, she was unsure of how to proceed.

The Louisiana Constitution⁶ requires the sale or seizure of property to satisfy (pay) delinquent property taxes. By failing to either sell or seize sufficient property of Baby Oil to pay its delinquent property taxes, former Sheriff Bourgeois may have violated the state constitution⁶ and state law.⁷

Improper Donation of Inmate Labor

Former Sheriff Bourgeois failed to comply with a cooperative endeavor agreement and may have violated the state constitution⁸ by donating approximately \$350,000 of inmate labor to Louisiana Workforce, LLC, to perform improvements to a public building used for the work release program.

On August 19, 2008, former Sheriff Bourgeois entered into a cooperative endeavor agreement with Louisiana Workforce, LLC (a private company owned by Mr. Paul Perkins) to manage the sheriff's work release program and to make improvements to a TPSO building at no cost to the TPSO. The agreement requires Louisiana Workforce, LLC, pay all costs to equip and maintain the premises (land, building, furnishings, and equipment owned by the TPSO). The owner of Louisiana Workforce, Paul Perkins, stated that Louisiana Workforce spent approximately \$650,000 on supplies and equipment for the improvements and that TPSO inmates did all the work.

Contrary to the cooperative endeavor agreement and according to Major Thomas Odom, former Sheriff Bourgeois instructed him to use TPSO inmate labor to perform the building improvements at no cost to Louisiana Workforce. Mr. Perkins stated that had labor costs been included, the improvements would have probably exceeded \$1 million. Using Mr. Perkins total cost estimate, the value of the Sheriff's inmate labor would be approximately \$350,000 (\$1,000,000 for the renovations less \$650,000 for the supplies and equipment). Since the TPSO was under no obligation to provide labor for this project under the terms of the cooperative endeavor agreement, the use of inmate labor to make improvements to the work release building represents an improper donation and may violate the state constitution.⁸

Improper Donation of Security Detail to Nicholls State University

For three years, former Sheriff Bourgeois directed/authorized Terrebonne Parish deputies to provide a security detail for the Nicholls State University football team when it traveled to its away games. All away games were played outside of Lafourche Parish where Nicholls State University is located. TPSO deputies incurred salary, meal costs, and fuel expenses totaling \$21,392 for this out-of-parish (and sometimes out-of-state) detail that was provided for the 2009, 2010, and 2011 football seasons. The TPSO has no obligation to

provide a security detail for a football team of a university for games played outside of Terrebonne Parish. Therefore, the cost of this out-of-parish security detail may represent an improper donation and violate the state constitution.⁸

According to former Sheriff Bourgeois, he authorized a security detail^{vi} for Nicholls State University football games, but was not sure if there was a cooperative endeavor agreement^{vii} with Nicholls State University. Certain TPSO deputies who worked on the detail and management of Nicholls State University informed us that the security detail was for the away games only. According to our calculations, the TPSO expenses for this detail totaled approximately \$21,392 and included wage costs based on the hours worked by the deputies, the costs of their meals, and the fuel purchases for the TPSO vehicles used for escorts. We did not include the hotel and airfare costs of the TPSO deputies because those costs were paid for by Nicholls State University.

Sheriff Bourgeois told us that TPSO funds could be used for this detail because approximately 75 percent of the student body of Nicholls State University comes from Terrebonne Parish. However, because Louisiana sheriffs are only responsible for public safety within their parishes and considering that these football games were not held within the boundaries of Terrebonne Parish, there was no obligation for the TPSO to incur these expenses. Therefore, the provision of this security detail may represent an improper donation and violate the state constitution.⁸

Improper Payments for Off-Duty Detail Work Performed During Regular Work Hours

TPSO deputies worked 53 hours filming reenactments of TPSO law enforcement operations for the television series “Cajun Justice” during the same hours they claimed to perform their regular job duties for the TPSO. Because both the film production company and the TPSO paid the deputies for these 53 hours, the deputies were paid twice for the same hours. As a result, the TPSO improperly paid the deputies \$988 for 53 hours of film reenactments paid for separately by the film production company. Payments for these hours may violate the state constitution.⁸

In May 2011, the TPSO entered into an agreement with MAK Pictures for the production of a television series (“Cajun Justice”) that portrayed a behind-the-scenes look at the operations of the sheriff’s office. MAK Pictures reimbursed the TPSO for the amount of time (detail) spent by deputies who appeared in the series. MAK Pictures maintained time sheets for the deputies and sent these time sheets to the TPSO. The TPSO subsequently billed MAK Pictures for those work hours and included the detail pay in the deputies’ regular paychecks.

^{vi} TPSO records indicate the number of deputies working each game ranged from two to five and the number of vehicles ranged from zero to three.

^{vii} A valid cooperative endeavor agreement must show (1) a public purpose for the expenditure that comports with the governmental purpose for which the public entity has legal authority to pursue, (2) that the expenditure does not appear gratuitous, and (3) that the public entity has a demonstrable, objective, and reasonable expectation of receiving at least equivalent value in exchange for the expenditure.

A comparison of the time sheets from MAK Pictures to time sheets of the TPSO shows that 12 of the deputies who worked the “Cajun Justice” detail had a total of 53 hours that matched the regular hours they worked for the TPSO, meaning the deputies were paid twice for the same hours. According to our calculations, the value of these 53 work hours is \$988.

The TPSO did not exercise proper oversight over the “Cajun Justice” detail. Although MAK Pictures provided these detail hours to the TPSO, the sheriff’s office did not review the hours to ensure there were no conflicts with the regular hours worked by the deputies. Because of this lack of review, 53 hours of detail time by 12 deputies overlapped with their regular work hours. As a result, the TPSO improperly paid these deputies twice for the same hours and may have violated the state constitution.⁸

Recommendations

The TPSO should:

- (1) seek recovery of annual leave and clothing allowance payments improperly paid to former Terrebonne Parish Sheriff Vernon Bourgeois;
- (2) adopt written policies that address annual leave of the sheriff and clothing allowance payments to the sheriff, including the impact on the total compensation of the sheriff;
- (3) seek recovery of \$1,950 of personal fuel expenses incurred by former Sheriff Bourgeois and paid by the TPSO;
- (4) consult with legal counsel regarding former Sheriff Bourgeois’ use of TPSO vehicles to attend football games and a car race;
- (5) consult with legal counsel regarding collection of the \$394,627 of delinquent property taxes owed by Baby Oil Company, including possible sale or seizure of its assets;
- (6) ensure that contracts are strictly adhered to and that TPSO resources, including inmate labor, are not improperly donated to vendors;
- (7) ensure that all assignments of TPSO deputies and resources for out-of-parish events are supported with valid cooperative endeavor agreements; and
- (8) ensure that time sheets are reviewed for propriety and that deputies are not paid for overlapping hours.

LEGAL PROVISIONS

¹ **Louisiana Revised Statute (R.S.) 13§5521 A.(1)** states, “The rate of annual compensation for all services required of sheriffs and ex officio tax collectors of the various parishes, including the civil and criminal sheriffs for the parish of Orleans, may only be increased by legislative act.”

² Until July 1, 2010, Louisiana sheriff salaries were set by themselves but could not exceed a threshold based on the compensation of Orleans Parish Criminal Court judges and the size of the parish (i.e., \$20,000 more for sheriffs of parishes with more than 400,000 people). After July 1, 2010, Louisiana Sheriff salaries could only be increased by legislative act per R.S.13:5521 A.(1).

³ **R.S. 14§67(A)** provides, in part, that “theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations...”

⁴ **R.S. 14§68(A)** provides, in part, that “unauthorized use of a movable is the intentional taking or use of a movable which belongs to another, either without the other’s consent, or by means of fraudulent conduct, practices, or representations, but without any intention to deprive the other of the movable permanently...”

⁵ **R.S. 42§1111(A)(1)** provides, in part, “No public servant shall receive anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position...”

⁶ **Louisiana Constitution Article VII, Section 25 (A) Tax Sales. (1)** states, “There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs’ sales, in the manner provided for judicial sales. On the day of the sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of taxes, interest, and costs. The sale shall be without appraisalment. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.”

Louisiana Constitution Article VII, Section 25 (E) Movables; Tax Sales states, “When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at a public auction, without appraisalment, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption. If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.”

⁷ **R.S. 14§134(A)** states, “Malfeasance in office is committed when any public officer or public employee shall:

(1) Intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee; or
(2) Intentionally perform any such duty in an unlawful manner; or (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.”

⁸ **Louisiana Constitution Article VII, Section 14** provides, in part, “Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.”

APPENDIX A

Management's Response



Terrebonne Parish Sheriff's Office

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July 11, 2013

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ATTN: Mr. Eric S. Sloan, CPA
Assistant Legislative Auditor and
Director of Investigation Audit and Advisory Services

RE: Investigative Audit Report on Terrebonne Parish Sheriff's Office

Dear Mr. Purpera:

Following a meeting between members of your staff, myself, and members of my staff, I would respond to the audit of my department covering the July 1, 2008 – June 30, 2012 administration/tenure of former Sheriff L. Vernon Bourgeois, Jr., of Terrebonne Parish. I will address the items your auditors set forth, what actions I will take as Sheriff with respect to same, and what policies/procedures my office will make to insure the deficiencies pointed out will not happen again.

(1) Former Sheriff's compensation exceeded maximum amount allowed:

A letter will be written to former Sheriff Bourgeois requesting that he reimburse the sheriff's office for \$17,225.00. If the money is not repaid, a civil suit will be filed to collect same.

Any employee who does not submit weekly timesheets does not qualify for paid leave above the legal compensation per L.R.S. 13:5521 nor does he participate in any clothing allowance which we understand is for only undercover/detective personnel.

A policy to that effect under my prior administration was in effect, it was not followed, but will be followed by the administration.

(2) Personal fuel expenses of former Sheriff L. Vernon Bourgeois, Jr.:

Again, there appears to be no question that funds of the sheriff's office used for personal fuel expenditures unrelated to sheriff's office business, should be repaid. That figure is \$1,950.00, and a letter will be written to former Sheriff Bourgeois asking that he reimburse the sheriff's office for same. If he fails to do so, a civil suit will be filed against him to collect same.

During my prior administration(s), we had a policy against using office credit cards for personal expenses unrelated to office business. That policy was not followed by the prior administration but has and will continue to be followed by my administration.

As far as the use of a private jet is concerned, I agree that is a matter for the ethics commission, not this office. That would also include the expenses paid on behalf of the pilot.

(3) Property not sold or seized to collect delinquent property taxes:

Once I became aware of this matter, after taking office, I ordered my legal counsel to file suit to recover the taxes, interests, and possible penalties and attorney fees due to the Terrebonne Parish Sheriff's Office. That suit is pending in the 32nd Judicial District Court and we will aggressively pursue same. I feel confident my civil department as it operated under my prior administration(s) will not allow this to happen again and we will follow the law with respect to the non-payment of taxes.

(4) Improper donation of inmate labor:

As discussed with your auditors, while there appears to have been an improper use of inmate labor to the benefit of a private citizen and his company. However, all of the improvements made to the building in question were to a building owned by the Terrebonne Parish Sheriff's Office. When this contract ends, all of such improvements belong to the sheriff's office. The sheriff's office greatly benefits from this contract.

However, I certainly understand this all could have been cleared up if it was stated in the original contract between the private company and the sheriff's office, that inmate labor would be utilized on the public building. All future contracts between the sheriff's office and individuals will be closely followed.

- (5) Improper donation of security details to Nicholls State University:

No further use of sheriff's office monies with respect to security details of this nature will be allowed. Also, a legal cooperative endeavor agreement will be required for such details within the parish. Our policies will be amended to reflect same.

- (6) Improper payment for off-duty detail work performed during regular working hours:

The Terrebonne Parish Sheriff's Office has in the past when I was sheriff, for 22 years prior to the tenure of former Sheriff L. Vernon Bourgeois, Jr., allowed deputies to work security details for movie production within Terrebonne Parish. The officer's times were properly documented, and if sheriff's office equipment/vehicles were used, the officer was properly reimbursed for same.

Movie production within our parish is an economic industry. I will continue the past policies of mine to ensure that deputies are off-duty when the details are worked and that the use of public equipment is properly compensated to the sheriff's office. A policy to that effect is presently in existence to insure proper record keeping. A specific officer is assigned to maintain all detail records and to report them to bookkeeping who cross checks same.

CONCLUSION

To recap the findings of your office and my response to same, I would again state:

- (1) We will seek recovery of those funds for annual/leave and clothing taken by former Sheriff L. Vernon Bourgeois, Jr.
- (2) Our internal policies will make sure such payments are not made in the future to the sheriff.
- (3/4) We will seek recovery of the improper gas expenditures and make sure no credit cards are sued for personal expenditures of any type.
- (5) We will continue our pursuit of past due taxes through the legal process. We have met with the civil department to ensure this "waiver" does not happen again and our existing policies about same will be followed.

- (6) All contracts between the Terrebonne Parish Sheriff's Office and other entities will be reviewed by legal counsel and properly followed.
- (7) No out of state events are to be detailed by Terrebonne Parish deputies. However, with respect to security escorts for Terrebonne Parish school students, a valid/legal cooperative endeavor agreement will be executed following review by legal counsel.
- (8) Our payroll department has in place measures to ensure that proper timesheets are submitted by deputies and that all detail work and regular timesheets will be cross-referenced to make sure no deputies are paid for overlapping hours. Also, sheriff's office equipment utilized will be charged to the production company at a proper rate.

I want to thank you and your staff for the very thorough review of sheriff's office finances, and I assure you that I as Sheriff will take all necessary steps to make sure the sheriff's office follows the laws of the State of Louisiana and its constitution.

Very truly yours,



JERRY J. LARPENTER
SHERIFF OF TERREBONNE PARISH

JJL/mza

APPENDIX B

Former Sheriff's Response

Untitled

RECEIVED
LEGISLATIVE AUDIT

2013 JUL 15 AM 11: 14

Eric S. Sloan
1600 North 3rd Street
Baton Rouge, LA 70804

Under protest, I will reimburse the Terrebone Parish Sheriffs Office \$19,175 to cover the cost of the annual leave I received, clothing allowance and also the fuel expenses incurred.

As a note, as it relates to this audit, I was told by the bookkeeping department that Sheriff Jerry Larpenter did receive clothing allowance each year it was given out.

Also, as I told the auditors in my interview, I do know that Sheriff Jerry Larpenter used the Terrebonne Parish Sheriffs Office credit card for expenses on hunting trips and other occasions not associated with Sheriffs Office business.

L. Vernon Bourgeois, Jr. - Sheriff (Ret.)