

ST. LANDRY PARISH GOVERNMENT



COMPLIANCE AUDIT
ISSUED AUGUST 31, 2012

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

August 31, 2012

**MR. WILLIAM K. FONTENOT, PARISH PRESIDENT,
AND MEMBERS OF THE ST. LANDRY PARISH COUNCIL**
Opelousas, Louisiana

We have audited certain transactions of St. Landry Parish Government. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the propriety of certain financial transactions.

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 District Attorney for the Twenty-seventh Judicial District of Louisiana and others as required by law.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE
Legislative Auditor

KK/ch

ST. LANDRY PARISH 2012

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EXECUTIVE SUMMARY

Improper Appointment of Director of Administration by Former Parish President

Former Parish President Don Menard may have violated state law and the Parish Charter by directing Mr. Jessie Bellard to run the day-to-day operations of the St. Landry Parish Government (Parish) in 2011 while Mr. Menard was campaigning for state representative.

Improper Use of Parish Vehicle by Former Parish President

Without approval of the Parish Council, from 2004 until he left office in January 2012, former Parish President Don Menard used a Parish-owned vehicle for personal purposes which may have violated state law. Mr. Menard did not keep a mileage log and the Parish did not calculate and report the taxable fringe benefit of Mr. Menard's take-home vehicle and personal use as required by the Internal Revenue Service. In addition, the two vehicles he used during his tenure were not marked in accordance with state law. By not having the Parish vehicles properly marked, Mr. Menard may be subject to a fine of \$25 to \$50 per instance as prescribed by state law.

Lack of Documentation for Credit Card Purchases by Former Parish President

From January 2009 to October 2011, former Parish President Menard made 275 purchases totaling \$16,612 on his Parish credit card for which he only turned in nine (3%) receipts to the Parish. In addition, Mr. Menard did not turn in any receipts or mileage logs to support \$3,999 of fuel charged on his Parish credit card in 2011, the time period he admitted to being in the office less and not attending council meetings.

Contracts Signed by the Former Parish President Without Council Approval

Former Parish President Don Menard signed the following three contracts between 2007 and 2011 without obtaining Parish Council approval as required by the Parish Charter:

1. \$50,120 contract with LSU AgCenter for the payment of AgCenter employee salaries and fringe benefits and to provide office space and operating costs for the LSU AgCenter
2. \$20,000 annual contract with Michael R. Thibodeaux & Associates, L.L.C. for lobbying services
3. \$5,500 contract with J. Claude Devillier, a former Parish employee, for professional services

By signing these contracts without Council approval, Mr. Menard may have violated the Parish Charter. Also, the contract with Mr. Devillier may violate the state ethics law as two years had not elapsed since Mr. Devillier had terminated his Parish employment.

No Written Contract for Special Legal Counsel

Contrary to the Parish Charter, the Parish Council retained special legal counsel from 2010 to 2012 without a written contract.

Donations Solicited From Parish Vendors

From 2008 to 2011, the Parish solicited donations from its vendors to use for special events such as Christmas parties, which may violate state law. From 2009 to 2011, these donated funds, totaling \$6,455, were deposited in a Parish bank account (Special Event Fund).

Dual Employment of the Director of Administration

Mr. Bellard is dually employed by the Parish and the City of Opelousas Fire Department which is allowable under state law as long as both are not full-time positions. Since the Parish time sheets for Mr. Bellard do not reflect the hours he worked, we could not determine if Mr. Bellard's dual employment with the Parish and the Opelousas Fire Department was allowable under state law.

Office of the Council Paralegal Is Located in a Private Law Office

Council Paralegal Mona Courville, a full-time Parish employee, works in the Parish attorney's private law office in Eunice and may perform tasks unrelated to Parish business. These actions may violate the state constitution.

Lack of Controls Over Wireless Services and Equipment

Our audit revealed that the Parish paid \$2,896 for monthly wireless usage in December 2011 for 53 mobile phones. The number of phones and the cost of service for these phones appear excessive.

BACKGROUND AND METHODOLOGY

On January 1, 2004, the St. Landry Parish (Parish) system of government was established by its Home Rule Charter. The Parish operates under a president-council form of government with 13 council members and the Parish President. Each Council member and the Parish President are elected to four-year terms.

This audit was initiated after receiving allegations regarding dual office holding by a Parish employee. During our audit, other Parish matters and transactions came to our attention and we expanded our scope to address them.

The procedures performed during this audit consisted of:

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

FINDINGS AND RECOMMENDATIONS

Improper Appointment of Director of Administration by Former Parish President

Former Parish President Don Menard may have violated state law¹ and the Parish Charter^{2,3} by directing Mr. Jessie Bellard to run the day-to-day operations of the St. Landry Parish Government (Parish) in 2011 while Mr. Menard was campaigning for state representative.

The Parish Charter³ provides that the Chief Administrative Officer (CAO) position “may be activated when needed by an ordinance of the council.” Once the position is activated, the Parish president may appoint and set the salary of the CAO subject to council approval. However, Mr. Menard, Mr. Bellard, and Parish Attorney Andrea West each stated that the position of CAO was never activated by the council, nor was Mr. Bellard or his pay approved by the council, all of which may be in violation of the Parish Charter.³ According to the Parish Charter,² if the CAO position is inactive, the Parish president shall perform all duties of the CAO.

In March 2004, Mr. Menard hired Jessie Bellard, his nephew, as the Parish office manager to assist him with day-to-day operations of the Parish. Since Mr. Bellard’s hiring, his title and job duties evolved from office manager to director of administration. Mr. Bellard admitted that as the director of administration he performed the same duties that are listed in the Parish Charter (see attachment) for the (CAO) position, which includes administering the day-to-day business of the Parish.

In 2011, Mr. Menard was campaigning as a candidate for Louisiana state representative for District 39. Mr. Bellard stated that in May 2011, Mr. Menard stopped attending council meetings and appointed him as his representative at the council meetings. He also stated that after May 2011, Mr. Menard was not at the Parish office like he was in the past. Employees stated that during 2011, Mr. Menard came to the Parish office maybe once a week and that Mr. Bellard was running the day-to-day operations of the Parish.

At first, Mr. Menard stated to us that he went to the office on a regular basis during his campaign, but later changed his statement and admitted that his attendance at the office had declined. However, he stated that he kept regular contact with Mr. Bellard and Public Works

¹ **Louisiana Revised Statute (R.S.) 14§134** states, in part, “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...”

² **St. Landry Parish Home Rule Charter Section 3-10** states, in part, “The president, as chief executive officer of the parish government, shall have the following powers and duties:...(10) Perform all of the powers and duties assigned to the chief administrative officer when that position is inactive.”

³**St. Landry Parish Home Rule Charter Section 4-02 (A)** states, in part, “The president shall appoint and fix the salary of the chief administrative officer subject to council’s approval...” **(D)** states, in part, “The chief administrative officer’s position shall not be active upon the adoption of this charter but may be activated when needed by an ordinance of the council.”

Director Tim Marks. Mr. Bellard stated that he would hear from Mr. Menard by phone or in person maybe once a week. Mr. Marks stated that during 2011, he might have heard from Mr. Menard once a month and only saw him once or twice all year. The council minutes also show that Mr. Menard stopped attending council meetings in July 2011. Mr. Menard confirmed to us that he designated Mr. Bellard to attend the 2011 council meetings on his behalf.

By directing Mr. Bellard to take on the responsibilities of the CAO without Council approval when the position was not active and by not performing the duties himself, Mr. Menard may have violated state law¹ and the Parish Charter.^{2,3}

Improper Use of Parish Vehicle by Former Parish President

Without approval of the Parish Council, from 2004 until he left office in January 2012, former Parish President Don Menard used a Parish-owned vehicle for personal purposes which may have violated state law.^{4,5} Mr. Menard did not keep a mileage log and the Parish did not calculate and report the taxable fringe benefit of Mr. Menard's take-home vehicle and personal use as required by the Internal Revenue Service⁶ (IRS). In addition, the two vehicles he used during his tenure were not marked in accordance with state law.⁷ By not having the Parish vehicles properly marked, Mr. Menard may be subject to a fine of \$25 to \$50 per instance as prescribed by state law.⁸

Unauthorized Use of Parish Vehicle

Without approval of the Parish Council, from 2004 until he left office in 2012, Mr. Menard used a Parish vehicle for personal purposes. The personal use of a Parish vehicle is an employment fringe benefit which, in accordance with IRS rules,⁶ should be included as part of compensation. The Parish Charter⁹ states that the Parish president's salary may be increased or decreased by ordinance of the Council. Since the Parish Council never authorized his personal

⁴ **R.S. 14§68(A)** states, in part, "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§1461(A)** states, in part, "Officials, whether elected or appointed and whether compensated or not, and employees of any "public entity"... by the act of accepting such office or employment assume a personal obligation not to misappropriate, misapply, convert, misuse, or otherwise wrongfully take any funds, property, or other thing of value belonging to or under the custody or control of the public entity in which they hold office or are employed."

⁶ **IRS Publication 15-B** states, in part, "Any fringe benefit you provide is taxable and must be included in the recipients pay unless the law specifically excludes it."

⁷ **R.S. 49§121(A)(1)** states, in part, "Every boat, watercraft, aircraft, automobile, truck, or other vehicle belonging to the state or to any of its political subdivisions, or to any department, board, commission, or agency of any of its political subdivisions shall, if required by law to bear a Louisiana license plate, bear a public license plate, and each such vehicle also shall have inscribed, painted, decaled, or stenciled conspicuously thereon, either with letters... or with an insignia... the name of the board, commission, department, agency, or subdivision of the state to which the boat, watercraft, aircraft, automobile, truck, or other vehicle belongs..."

⁸ **R.S. 49§123** states, "Whoever violates any provision of this Part shall be fined not less than twenty-five dollars nor more than fifty dollars for each such violation."

⁹ **St. Landry Parish Home Rule Charter Section 3-04** states, in part, "The initial salary of the first President shall be \$65,000 annually. The salary of the president may be increased or decreased by ordinance of the council...."

use of a Parish vehicle, Mr. Menard may have violated state law.^{4,5} In addition, the value of the personal use of the Parish vehicle was not calculated and reported by the Parish to the IRS as compensation to Mr. Menard.

Mr. Menard admitted that he used the Parish vehicle for personal reasons. For example, he stated that he would drive from his home in Cankton to his retail convenience store in Carencro, which is not in the Parish, and then drive to the Parish office. Mr. Menard further stated that he did not keep a mileage log for the Parish vehicle. Regarding whether or not the vehicle was used to campaign, Mr. Menard stated, “No one can say they saw me campaigning in the parish vehicle.”

Mr. Menard stated that during 2011, his political campaign rented a truck from Enterprise Rent-A-Car for his campaign use and that during his campaign he parked the Parish vehicle at his house and did not drive it. However, our review of his campaign records disclosed no payments to Enterprise Rent-A-Car. When we asked him to explain the increase in fuel purchases charged in 2011 on his Parish credit card during the campaign (discussed in the next finding), he changed his statement and stated that he did operate the Parish vehicle in 2011 during the campaign, but he used it for Parish government purposes only.

Mr. Menard may have violated state law^{4,5} by giving himself the personal benefit of the use of a Parish-owned vehicle without Council approval. Furthermore, contrary to IRS requirements,⁶ Mr. Menard did not keep a mileage log and the Parish did not calculate and annually report the taxable fringe benefit of Mr. Menard’s take-home vehicle and personal use.

Parish Vehicles Not Properly Marked

The Parish vehicles used by Mr. Menard were not marked in accordance with state law.⁷ The Parish purchased two vehicles for Mr. Menard’s use during his tenure: a Ford Expedition was purchased in 2004 and a Chevrolet Trailblazer was purchased in 2007. Mr. Menard’s first vehicle had a Parish emblem, but according to Mr. Bellard, the emblem was magnetic and not affixed as required by state law.⁷ Mr. Menard admitted that his second vehicle (Chevrolet Trailblazer) never had a Parish emblem.

By not having the proper identification on the Parish vehicles, Mr. Menard may have violated state law⁷ and is subject to fines not less than \$25 nor more than \$50 for each such violation as prescribed by state law.⁸ State law¹⁰ provides that each day upon which such a violation is committed shall be considered a separate offense.

¹⁰ **R.S. 49§121(G)** states, “The head of any department or board of the state or any of its subdivisions who operates or who orders, requests or permits any employee under his control or supervision or any other person to operate any publicly owned land vehicle, water craft or air craft not marked in accordance with the provisions of this Section shall be guilty of a violation thereof. Each day upon which such a violation is committed shall be considered a separate offense.”

Lack of Documentation for Credit Card Purchases by Former Parish President

From January 2009 to October 2011, former Parish President Menard made 275 purchases totaling \$16,612 on his Parish credit card for which he only turned in nine (3%) receipts to the Parish. In addition, Mr. Menard did not turn in any receipts or mileage logs to support \$3,999 of fuel charged on his Parish credit card in 2011, the time period he admitted to being in the office less and not attending Council meetings.

Mr. Menard stated that he was told that he did not have to keep receipts if he signed (approved) the credit card statement. He later changed his statement and said that he was “just bad” about turning in receipts and that no one had told him it was okay to just sign the credit card statement. Mr. Menard also stated that he reported to American Express in October 2011 that his Parish credit card was stolen. We identified seven charges totaling \$735 after he had reported his card was stolen, including a \$71.34 charge made at his personal business.¹¹ Though the credit card had been reported stolen, Mr. Menard did not dispute any of the seven charges and all were subsequently paid by the Parish. Mr. Menard’s credit card purchases are summarized in the following table:

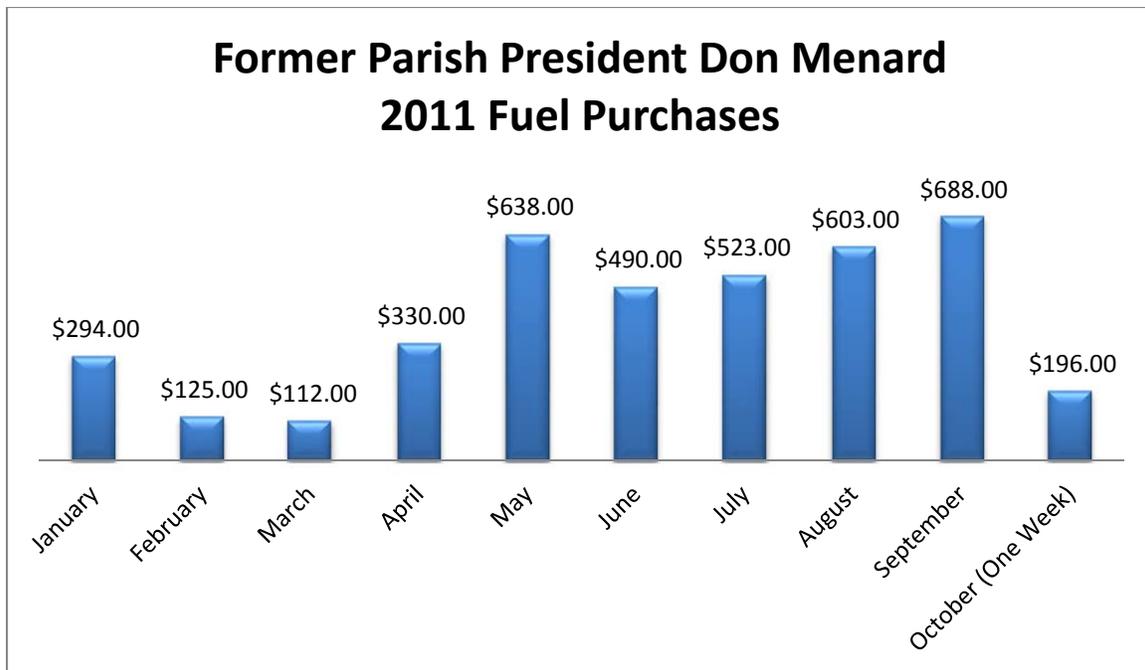
	Number of Purchases	Amount	Receipts
Gasoline Purchases	179	\$8,885	7
Subscription and Other Merchandise Purchases	33	1,935	0
Travel Purchases	27	2,824	1
AT&T Store Purchases	13	1,310	1
Local Meal Purchases	12	945	0
Vehicle Expenses	11	713	0
Total	275	\$16,612	9

Questionable Fuel Purchases in 2011

From January 1, 2011, to October 5, 2011, Mr. Menard purchased \$3,999 of fuel (average of \$432 per month) on his Parish credit card for which there were no receipts or mileage logs. As mentioned previously, Mr. Menard was campaigning in 2011 for state representative¹² and he admitted that his attendance at the Parish office had declined (in 2011) and that he stopped attending Council meetings in July 2011. Therefore, we would expect to find a decreasing trend in his 2011 fuel purchases on his Parish credit card. However, our audit revealed that Mr. Menard’s fuel purchases on the Parish credit card increased as his attendance at the Parish office decreased, which is shown in the following chart:

¹¹ According to Mr. Menard, he is the owner of Don’s Depot.

¹² The election took place October 22, 2011.



Mr. Menard stated that he used his Parish credit card (American Express) to purchase fuel only for the Parish vehicle. He said that his campaign fund rented a truck from Enterprise Rent-A-Car for use during his campaign and stated that “no one can say they saw me campaigning in the Parish vehicle.” However, his campaign records do not show any payments/expenses to Enterprise Rent-A-Car. He further stated he had stopped using the Parish vehicle while he was campaigning. When confronted with the increase in fuel purchases on the Parish credit card at the end of his term as Parish president, Mr. Menard changed his statement and said that he did drive the Parish vehicle and that he might have used the Parish vehicle to travel to Baton Rouge. Finally, he stated that he did not do things with the thought of doing illegal acts, but “If I’m guilty, I’m guilty.”

Our audit revealed that between February 28, 2011, and October 7, 2011 (approximately 7 months), Mr. Menard purchased approximately 1,000 gallons¹³ of gasoline on the Parish credit card. Based on the Parish vehicle’s combined fuel economy rating of 16 miles per gallon (mpg),¹⁴ we estimate that Mr. Menard would have been able to drive this vehicle 16,000 miles (1,000 gallons x 16 mpg). However, odometer readings in February 2011 and 2012 show the vehicle was only driven 4,653 miles.¹⁵ Therefore, it is not reasonable that all the gasoline purchased was used in the Parish vehicle. Since the Parish’s available records and our calculations do not support Mr. Menard’s statement that all the gasoline he purchased was used

¹³ www.eia.gov, U.S. Energy Information Administration, regular gasoline prices for the Gulf Coast from May 1992 through February 2012. Using this information we divided the monthly gasoline purchases by the average price per gallon for that month.

¹⁴ www.fueleconomy.gov/feg/bymodel/2007_Chevrolet_Trailblazer.shtml, Fuel economy of the 2007 Chevrolet TrailBlazer is 14 city, 16 combined, and 20 highway.

¹⁵ Carencro Automotive Center, LLC, vehicle repair invoice 9737 dated February 28, 2011, shows mileage of 106,013. Auditors’ reading of ending mileage on February 9, 2012, after it was assigned to another employee, was 110,666.

in the Parish vehicle, his gasoline purchases may be improper. If Mr. Menard purchased gasoline for use in something other than his Parish vehicle and/or the fuel was not used for the benefit of the Parish, he may have violated state law.^{5, 16}

Contracts Signed by the Former Parish President Without Council Approval

Former Parish President Don Menard signed the following three contracts between 2007 and 2011 without obtaining Parish Council approval as required by the Parish Charter:¹⁷

- 1. \$50,120 contract¹⁸ with LSU AgCenter for the payment of AgCenter employee salaries and fringe benefits and to provide office space and operating costs for the LSU AgCenter**
- 2. \$20,000 annual contract with Michael R. Thibodeaux & Associates, L.L.C. for lobbying services**
- 3. \$5,500 contract with J. Claude Devillier, a former Parish employee, for professional services**

By signing these contracts without Council approval, Mr. Menard may have violated the Parish Charter.¹⁷ Also, the contract with Mr. Devillier may violate the state ethics law¹⁹ as two years had not elapsed since Mr. Devillier had terminated his Parish employment.

LSU AgCenter Contract

In April 2011, without Council approval, Mr. Menard signed the LSU AgCenter contract as an extension of a previous contract. The new contract required the Parish to provide similar services such as providing suitable office space, but doubled the salary and fringe benefit support for LSU AgCenter employees from 10% to 20%. Since Mr. Menard did not have Council approval to sign this contract, he may have violated the Parish Charter.¹⁷

¹⁶ **R.S. 14:67 (A)** states, “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. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.”

¹⁷ **St. Landry Parish Home Rule Charter Section 3-10** states, in part, “The president, as chief executive officer of the parish government, shall have the following powers and duties:...(5) Sign contracts, acts of sale, and other obligations as may be authorized by the council.”

¹⁸ This is a 5-year contract from July 1, 2010, to June 30, 2015.

¹⁹ **R.S. 42§1121(B)(1)** states, in part, “...No former public employee shall... for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.”

Professional Service Contracts

Two of the three contracts signed by Mr. Menard (Michael R. Thibodeaux and J. Claude Devillier) are professional service contracts. Mr. Menard stated that Parish Attorney Andrea West and Parish independent auditor Steve Moosa told him that he did not need Council approval to sign professional service contracts. However, Mr. Moosa and Ms. West both denied advising Mr. Menard that he did not need Council approval to sign professional service contracts. Since Parish Council minutes do not include evidence of approval for these two contracts, Mr. Menard may have violated the Parish Charter.¹⁷

Furthermore, the professional service contract entered into by Mr. Menard with Mr. Devillier, a former Parish employee, may violate state law. State law¹⁹ provides that public employees are prohibited, for a period of two years, from contracting to render the same service to their former public employer that they provided while employed at that agency.

During Mr. Devillier's Parish employment, he was the project director for the Parish's Department of Health and Hospitals (DHH) grant. The contract referred to provided for Mr. Devillier, after he left Parish employment, to continue working on a grant the Parish had with DHH. Therefore, Mr. Devillier worked on the same grant as an employee and as a consultant. This contract was signed by Mr. Devillier and Mr. Menard 15 days before Mr. Devillier's resignation from his Parish employment. These actions may violate state law.¹⁹

No Written Contract for Special Legal Counsel

Contrary to the Parish Charter,²⁰ the Parish Council retained special legal counsel from 2010 to 2012 without a written contract.

According to Jacque Pucheu, Jr. and Parish Council minutes, Mr. Menard retained Mr. Pucheu at the request of the Parish Council to represent the Parish in certain legal matters concerning the Parish airport. Mr. Pucheu and Mr. Bellard stated that there was no written contract between the Parish and Mr. Pucheu for legal services. Both added that the Parish Council had approved Mr. Pucheu to provide legal services. Our review of the Parish Council minutes disclosed that the Council referred litigation regarding the airport to Mr. Pucheu. However, since the Parish Council did not have a written contract with Mr. Pucheu, his work for the Parish Council may violate the Parish Charter.²⁰

²⁰ **St. Landry Parish Home Rule Charter Section 4-04(C)** states, "The Council may retain legal counsel pursuant to a written contract which outlines the specific purpose and nature of the legal services to be performed and the compensation, if any, to be paid for the services."

Donations Solicited From Parish Vendors

From 2008 to 2011, the Parish solicited donations from its vendors to use for special events such as Christmas parties, which may violate state law.²¹ From 2009 to 2011, these donated funds, totaling \$6,455, were deposited in a Parish bank account (Special Event Fund).

Annually, starting in 2008, the Parish sent out letters to its vendors on Parish government letterhead requesting donations for Parish social events. These solicitations may violate state law²¹ and the St. Landry Parish Government Policy Manual.²² The Parish deposited these donated funds in a separate Parish bank account for special events and used the funds to host Christmas parties. In 2010 and 2011, a total of \$11,912²³ was spent from the Special Event Fund to provide Christmas parties for Parish and other public employees²⁴ that included alcohol and door prizes such as gift cards.

Dual Employment of the Director of Administration

Mr. Bellard is dually employed by the Parish and the City of Opelousas Fire Department which is allowable under state law²⁵ as long as both are not full-time positions. Since the Parish time sheets for Mr. Bellard do not reflect the hours he worked, we could not determine if Mr. Bellard's dual employment with the Parish and the Opelousas Fire Department was allowable under state law.²⁵

State law²⁵ prohibits a person from holding two full-time positions in local government. Opelousas Fire Department records clearly show Mr. Bellard is a full-time fireman; however, Parish records do not distinguish Mr. Bellard's employment status as full-time or part-time. Mr. Bellard's time sheets at the Parish state "salary" and do not list the number of hours he worked each week. In addition, Mr. Bellard did not participate in Parish full-time benefits such as insurance and retirement.

²¹ **R.S. 42§1115(A)** states, "No public servant shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person: (1) Has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency, or (2) Is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency."

²² **St. Landry Parish Government Policy Manual, Acceptance of Gifts**, states, in part, "In compliance with Louisiana's Code of Governmental Ethics, St. Landry Parish Government employees may not accept any gift of economic value from anyone conducting business or who may in the future conduct business with St. Landry Parish Government, such as vendors or prospective vendors...."

²³ This amount includes party fees paid by employees as well as the donated funds.

²⁴ Employees of the following organizations were allowed to participate in the Christmas Party: (1) Parish Government, (2) Clerk of Court, (3) Tax Assessor, (4) Sheriff, and (5) Registrar of Voters.

²⁵ **R.S. 42§63(E)** states, "No person holding a full-time appointive office or full-time employment in the government of this state or of a political subdivision thereof shall at the same time hold another full-time appointive office or full-time employment in the government of the state of Louisiana, in the government of a political subdivision thereof, or in a combination of these."

According to Mr. Menard, he hired Mr. Bellard in 2004 to work part-time hours and there was no employment agreement or documentation of the number of hours Mr. Bellard was required to work. Mr. Bellard stated that he was a part-time employee at the Parish and was instructed by Mr. Menard not to keep time sheets since his work hours and schedule varied.

In February 2012, upon our recommendation, Mr. Bellard began keeping records of the hours he works for the Parish. Since that time, Mr. Bellard's time sheets indicate that he is a part-time employee of the Parish. Therefore, his full-time employment with the Opelousas Fire Department appears to be permissible under state law.²⁵

Office of the Council Paralegal Is Located in a Private Law Office

Council Paralegal Mona Courville, a full-time Parish employee, works in the Parish attorney's private law office in Eunice and may perform tasks unrelated to Parish business. These actions may violate the state constitution.²⁶

Ms. Andrea West, Parish attorney, is a part-time assistant district attorney who provides legal services to the Parish on behalf of the District Attorney's office. According to Ms. West, she conducts Parish business at her private law office in Eunice, Louisiana. Ms. Mona Courville is a full-time Parish employee and works in Ms. West's office. When asked about Ms. Courville's duties, Ms. West responded that Ms. Courville only works on Parish business. However, Ms. West stated that Ms. Courville does answer the main phone at her law practice and picks up mail,²⁷ both of which may not be related to Parish business. Ms. Courville confirmed Ms. West's statements that she answers the main phone line and picks up mail for Ms. West, adding, however, that she only works on Parish business.

Since Ms. Courville performs some tasks that may not benefit the Parish, the Parish may be donating a portion of the value of her salary to Ms. West's private business. As a result, this working arrangement may violate the state constitution²⁶ which prohibits the donation of public funds.

Lack of Controls Over Wireless Services and Equipment

Our audit revealed that the Parish paid \$2,896 for monthly wireless usage in December 2011 for 53 mobile phones. The number of phones and the cost of service for these phones appear excessive.

We discussed these costs, the number of mobile phone accounts, and related equipment purchases with Parish administration and found that Parish employees could initiate new mobile

²⁶ **Article 7, Section 14 of the Louisiana Constitution** provides, in part, "...that 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."

²⁷ Ms. West's office has one phone number and one mailbox. As a result, Ms. Courville is responsible for both public and private phone calls and mail.

phone service and make purchases of equipment without approval. By the end of our audit, Parish administration had eliminated 23 mobile lines and reduced the monthly usage cost by approximately \$1,600 per month. We were informed that the Parish now requires the administration's approval of any new service and equipment purchases.

Recommendations:

We recommend that the Parish:

- (1) ensure that all department heads are properly approved by the Parish Council as required by Parish Charter;
- (2) seek legal advice as to the appropriate actions to be taken, including recovering funds related to the unauthorized use of a Parish vehicle and fuel purchased for the vehicle;
- (3) require mileage logs to be maintained for all vehicles;
- (4) determine the proper amount of personal benefit for all employees with take-home vehicles and report to the IRS;
- (5) ensure that take-home vehicles are properly approved;
- (6) mark all Parish-owned vehicles as required by state law prior to being placed into service;
- (7) develop and implement a credit card usage policy that includes, at a minimum, the following:
 - (a) guidelines and restrictions for credit card usage;
 - (b) requires employees to turn in all itemized receipts; and
 - (c) requires employees to sign a form acknowledging their understanding of the policy;
- (8) obtain Council approval for contracts as required by Parish Charter;
- (9) retain special legal counsel pursuant to a written contract as required by Parish Charter;
- (10) seek legal advice regarding solicitation of donations from vendors and holding celebratory functions; and
- (11) periodically review the functions performed by employees to ensure that the work performed conforms with state law.

APPENDIX A

Attachment

St. Landry Parish Charter
January 1, 2004
Powers and Duties of the CAO

charter but may be activated when needed by an ordinance of the council. It may also be deactivated by an ordinance of the council.

Section 4-03. Powers and Duties of the Chief Administrative Officer.

The chief administrative officer shall have the following inclusive powers and duties:

- (1) Administer day-to-day business through delegation and direction of staff.
- (2) Exercise control over all positions subject to the president's jurisdiction.
- (3) Consult and inform the president and council about major problems or proposals involving operating practices and procedures.
- (4) Implement plans and programs approved by council.
- (5) Work closely with other associated parish agencies, outside vendors, the general public, and other governmental agencies.
- (6) Collect and take custody of all monies of the parish government from whatever source.
- (7) Disburse all funds from the parish treasury.
- (8) Develop and administer a uniform central accounting system.
- (9) Procure all personal property, materials, supplies, and services required by the parish government under a central purchasing system for all departments, offices, and agencies in accordance with applicable state law, council policy, and administrative requirements.
- (10) Maintain a record of indebtedness.
- (11) Prepare a monthly statement of revenues and expenditures which shall be completed and made available for public inspection no later than twenty days after the end of each month.
- (12) Provide data processing administration and perform utility billing and collection.

Section 4-04. Legal Department.

A. The district attorney of the 27th Judicial District or a designated representative from that office shall serve as parish attorney.

B. The council may appoint a parish attorney by ordinance to serve in lieu of the district attorney for a specific term. The person appointed shall have been licensed to practice law in Louisiana for at least five continuous years, be in good standing with the Louisiana Supreme Court and Louisiana State Bar Association, and must be a resident of St. Landry Parish at the time of and during the appointment.

APPENDIX B

Management's Response



W.K. Bill Fontenot
Parish President

St. Landry Parish Government

P.O. Drawer 1550
Opelousas, Louisiana 70571-1550
Telephone 337.948.3688
Fax 337.948.1281

www.stlandryparishgovernment.org

August 15, 2012

Daryl G. Purpera, CPA, CFE
Louisiana Legislative Auditor
Post Office Box 94397
Baton Rouge, Louisiana 70804-9397

RE: Responses to Compliance Audit Report regarding St. Landry Parish Government

Finding #1: Improper Appointment of Director of Administration by Former Parish President

Response:

Former Parish President Don Menard did take time to campaign for his election bid as state representative during the Fall of 2011. However, at no time did he abandon his responsibilities as Parish President. In accordance with Section 3-10 (10) and Section 4-03(1) of the Parish Charter, President Menard delegated the day-to-day business of the Parish Government to his staff, including communications with department supervisors. Don Menard made himself available by means of telephone, email and texting while away from his office to the employees he delegated and directed daily responsibilities.

Finding #2: Improper Use of Parish Vehicle by Former Parish President

Response:

The Administration has taken steps to ensure that all Parish vehicles are properly marked in accordance with state law. The current and newly elected Parish President has decided not to use a parish vehicle and will maintain a mileage log as the basis for reimbursement of costs in accordance with standard mileage rates prescribed by the Internal Revenue Service.

The District Attorney's office will be informed of the finding.

Finding #3: Lack of Documentation for Credit Card Purchases by Former Parish President

Response:

Policies have been implemented to ensure that receipts or provided for all credit card purchases of the Parish President, which is the policy for all other employees of the Parish.

The District Attorney's office will be informed of the finding.

Finding #4: Contracts Signed by the Former Parish President without Council Approval

Response:

All contracts that require council approval will be presented to the council prior to signing.

The District Attorney's office and Louisiana Ethics Board will be informed of the finding.

Finding #5: No Written Contract for Special Legal Counsel

Response:

The Executive branch will review all minutes to assure the minutes reflect the requests from the Parish President.

Finding #6: Donations Solicited from Parish Vendors

Response:

The Parish will refrain from asking vendors for donations for events.

Finding #7: Dual Employment of the Director of Administration

Response:

Mr. Ballard is a part-time salaried employee and is not required to detail hours worked on his timesheet as a part-time salaried employee. However, the Parish has updated its policy under the current administration and all employees, including salaried employees will submit timesheets.

Finding #8: Office of the Council Paralegal is Located in a Private Law Office

Response:

The Parish Council representative will reply

Finding #9: Lack of Controls Over Wireless Services and Equipment

Response:

The Parish has reviewed the list of employees currently with mobile phones and has implemented additional controls to reduce and limit the overall number of mobile phones held by Parish personnel to those that have been determined will provide greater efficiencies in carrying out their employment duties.

Sincerely,

A handwritten signature in black ink that reads "W.K. 'Bill' Fontenot". The signature is written in a cursive style with a large, stylized initial "W".

W.K. "Bill" Fontenot
Parish President



ST. LANDRY PARISH GOVERNMENT

P.O. Drawer 1550 • Opelousas, Louisiana 70571-1550

Telephone 337.948.3688 • Fax 337.948.1281

www.stlandryparishgovernment.org

RECEIVED
LEGISLATIVE AUDITOR

2012 AUG 21 PM 2: 34

W.K. Bill Fontenot
PARISH PRESIDENT

August 21, 2012

JERRY RED, JR.
District 1

LEON ROBINSON
District 2

FEKISHA MILLER-MATTHEWS
District 3

HUET "PICHEAU" DUPRE
District 4

RONALD E. BUSCHEL
District 5

HURLIN J. DUPRE
District 6

ALVIN STELLY
District 7

PAM GAUTREAU
District 8

WAYNE ARDOIN
District 9

DEXTER Q. BROWN
District 10

TIMMY G. LEJEUNE
District 11

JIMMIE EDWARDS
District 12

GARY COURVILLE
District 13

NOVELLA RICHARD MOORE
Council Clerk

Mr. Daryl Purpera, Executive Auditor
Louisiana Legislative Auditor
1600 North Third Street
P.O. Box 94397
Baton Rouge, LA., 70804-9397

RE: St. Landry Parish Council 2012 Audit

Dear Mr. Purpera:

Enclose please find the St. Landry Parish Council response to the legislative audit referenced above.

This response has been approved unanimously by the St. Landry Parish Council in a special meeting held on August 20, 2012.

If you have any questions or need further assistance, please feel free to contact me at (337) 331-3800.

With kindest regards, I am,

Sincerely,


Wayne Ardoin, Chairman
St. Landry Parish Council

Received by Cathy M. Patentone via hand delivery this 21st day of August, 2012.

RESPONSE TO LEGISLATIVE AUDIT
AUGUST 12, 2012

The actions of Don Menard as outlined in the audit are beyond the scope of knowledge of the St. Landry Parish Council. The Council was not advised nor consulted on these items and all were done without any approval of the Council.

The Members of the Council feel that any violations of state law as well as violations of the St. Landry Parish Home Rule Charter should be prosecuted, terminated, and restitution of the violations should be made as applicable.

St. Landry Parish Home Rule Charter, Section 5-06(A) states “The making of any payment or incurring any obligation in violation of the provisions of this charter **shall be void and illegal**. It **shall** be cause for the removal from office or employment of any official, officer or employee of the parish government to authorize or make payment or incur an obligation in violation of the provisions of this charter, and the person who makes or authorizes illegal payments or obligations **shall**, as a condition of their contract of employment or legal relationship to the parish government, be liable to make restitution to the parish government in the amount paid or the obligation that was incurred.”

Mr. Bellard states in the audit that he performed the “Same duties that are listed in the Parish Charter. . . for the (CAO) position, which includes administering the day-to-day business of the Parish.” It appears that Mr. Bellard may also have violated the Charter as acting CAO by not having the contracts approved and not presenting the Capital Improvements Budget which involved unauthorized expenditures, among other items.

Therefore, by acting as CAO in the absence of Don Menard, Jessie Bellard became responsible for actions not properly brought before the Council, including contracts, hiring of special legal counsel, donations solicited, wireless devices purchased, invoices approved and bids received and awarded, capital projects not approved, among other issues.

The Council voted in the first quarter of 2012 to have Jessie Bellard removed from the signature cards at any and all financial institutions on behalf of St. Landry Parish Government in an effort to correct the situation with Mr. Menard’s absences and unauthorized expenditures.

Regarding the day to day operations and the designees of the president, the Council has consistently requested as per the Charter a new policy and procedure manual in an effort to rectify this situation. St. Landry Parish Charter states Section 4-08(A):

“The president **shall** prepare a manual, within six months after assuming office, that sets out the policies, procedures, rules, and regulations regarding the classification and pay plans of parish government employees. . . . The manual

shall be submitted to the council which may approve it by adopting an ordinance to that effect, and all changes to the manual thereafter shall be by ordinance.”

While the audit mentions **some** of the violations, the Legislative Auditing Team has been made aware of **further violations including:**

A. No capital improvement budget for the year 2011, as stated in the Council’s own audit. Approximately in September, 2011, the then acting CAO, Jessie Bellard, approved a hangar at the airport which should have been approved by the Council through the Capital Improvement Budget. The hangar has now totaled over \$55,000.00.

B. Improvements at the Delta Grand were also not approved because a Capital Improvement Budget was not presented and therefore, again, not approved by the Council.

C. Assets allegedly have been kept as personal items by former elected officials and/or employees. Although Council has repeatedly requested a list of asset inventory, no response to date, wireless telephones as listed in the audit were totaled at 53.

D. Contracts made without authorization were not completely reviewed by the legislative auditors. Many more contracts have been signed without Council approval, including hiring special legal counsel back as far as 2007.

E. Improper purchases without valid state contract numbers.

St. Landry Parish Home Rule Charter states in Section 3-10:

“The president, as chief executive officer of the parish government, shall have the following powers and duties:

(5) Sign contracts, acts of sale, and other obligations as may be authorized by the council.”

The Council has made many requests to the administration for documents relating to contracts, but has not received any response or cooperation from the administration. The council has been aware of special legal counsel being hired without any prior approval as necessary per the Charter.

F. The tasks performed by Mona Courville on behalf of Andrea L. West Law Office are limited only to picking up the mail at the post office and answering the telephone. The telephone number for the law office is listed on the St. Landry Parish Government web site and therefore, aside from the many councilpersons who call, others call relating to the parish government. Mrs. Courville does not know if the call is a government related call or a private call. Therefore, she answers the calls. The PO Box is used for both the private office and the government office. It would be totally unreasonable to ask that she go through the mail at the post office and leave the private mail. The private internet, fax, electricity, telephone, copier, post office box, and office space is totally paid for by the private law firm. Only a small charge for copies has been sent to the government. However, in the future, the government will enter into an agreement whereby the services paid for by the private law office (except the charge for copies) will be in return for the services to answer the telephone and pick up the mail. Therefore, no donations will be forthcoming from the government.

In response to the items involving any illegal and/or improper use of vehicles, credit cards, fuel purchases, or other illegal and/or improper actions of the president, Don Menard, should be prosecuted to the fullest extent of the law, and certainly restitution should be made.

In response to the Jessie Bellard as acting CAO, it is the opinion of the Council that any improper acts that Mr. Bellard took as acting CAO, he should be prosecuted also to the fullest extent of the law, and any restitution should be sought, as stated above in the Charter.

The taxpayers of St. Landry Parish should be made completely aware of everything in this audit and the persistent actions of the Council to bring to light all of the illegal actions by any persons responsible. Restitution of taxpayer dollars can certainly be used in many areas of the parish, for example roads, and other infrastructure.