

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

**LOUISIANA BOARD
OF ETHICS**

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DOCKET NO.

IN THE MATTER OF

BRIAN POPE

AGENCY TRACKING NO. 2017-1404

CHARGES

The Louisiana Board of Ethics voted on January 17, 2019, to and does hereby file the following charges:

1.

Brian Pope was elected and commissioned as City Marshal, City Court, City of Lafayette, Parish of Lafayette on January 1, 2015, with his term expiring on December 31, 2020.

2.

Pursuant to La. R.S. 13:1881(A), the Marshal is the executive officer of the court; he shall execute the orders and mandates of the court and in execution thereof, and in making arrests and preserving the peace, he has the same powers and authority of a sheriff.

3.

Pursuant to La. R.S. 13:1883(A)(6) the minimum monthly compensation for the Marshal of the City Court of Lafayette is set at \$5,400 to be paid in equal proportions by the respective governing authorities of the city and parish where the court is located.

4.

In accordance with La. R.S. 13:1883(A)(6), the Lafayette Consolidated Government adopted a budget setting Brian Pope's annual compensation as City Marshal at \$81,438 for Fiscal Year 2014-2015.

5.

In accordance with La. R.S. 13:1883(A)(6), the Lafayette Consolidated Government adopted a budget for setting Brian Pope's annual compensation at \$83,607 Fiscal Years 2015-2016, 2016-2017, and 2017-2018.

6.

Pursuant to the compensation set by the Lafayette Consolidated Government, Brian Pope received the following amounts of compensation, as evidenced by the IRS Forms W-2 issued to Brian Pope:

2015	\$70,232.18
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2016	\$73,217.30
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2017	\$73,228.22

7.

La. R.S. 13:1881(B) provides:

The marshal may appoint one or more deputy marshals having the same powers and authority as the marshal, but the marshal shall be responsible for their actions. The compensation of the deputy marshals shall be fixed and paid by the governing authorities of the city or parish, or both, where the court is located. The city marshal may use funds available for expenses of his office, including proceeds from costs assessed in criminal matters pursuant to R.S. 13:1899, to pay an amount in excess of the fixed salary or to pay the amount fixed or any portion thereof to deputy marshals or to employ additional deputies. However, **nothing herein shall authorize the city marshal to fix or supplement his own salary.** In no event shall the salary of any deputy exceed that of his city marshal.

8.

La. R.S. 13:5807 enumerates the various fees and costs of office, to which the Marshal's Office shall be entitled to receive.

9.

Pursuant to La. R.S 13:5807, the City Court of Lafayette transmitted the appropriate fees and costs to the Marshal's Office to be used for operating expenses.

10.

Brian Pope received the following amounts of non-employee compensation, as evidenced by IRS Forms 1099 issued to Brian Pope, to which he was not duly entitled to receive, as "fees of office due to Marshal" from the City Court of Lafayette:

2015	\$66,481.50
2016	\$83,647.80
2017	\$84,622.70
2018	\$66,733.30

11.

The "fees of office due to Marshal" received by Brian Pope from the City Court of Lafayette were not deposited into an operating account for the office of City Marshal, but remitted to Brian Pope personally.

12.

Brian Pope also received the following amounts of non-employee compensation, as evidenced by IRS Forms 1099 issued to Brian Pope, to which he was not duly entitled to receive, from the Marshal City Court of Lafayette:

2015	\$27,483.64
2016	\$36,414.35
2017	\$34,642.56
2018	\$19,663.86

13.

Brian Pope instructed his staff to pay Brian Pope the supplemental compensation payments from the Marshal City Court of Lafayette.

14.

La. R.S. 42:1111(A)(1) prohibits a public servant from receiving anything of economic value for the performance of his job duties other than the compensation and benefits from the governmental entity to which he is duly entitled.

15.

Based on the foregoing facts, Brian Pope, while serving as City Marshal, City Court, City of Lafayette, Parish of Lafayette, violated La. R.S. 42:1111A when he received payments totaling \$66,481.50 (2015), \$83,647.80 (2016), \$84,622.70 (2017) and \$66,733.30 (2018) from the City Court of Lafayette, which he was not duly entitled to receive as City Marshal, in excess of his set compensation, for the performance of his job duties and responsibilities.

16.

Based on the foregoing facts, Brian Pope, while serving as City Marshal, City Court, City of Lafayette, Parish of Lafayette, violated La. R.S. 42:1111A when he received payments totaling \$27,483.64 (2015), \$36,414.35 (2016), \$34,642.56 (2017) and \$19,663.86 (2018) from the Marshal City Court of Lafayette, which he was not duly entitled to receive, in excess of his set compensation, for the performance of his job duties and responsibilities as City Marshal.

17.

La. R.S. 42:1112A prohibits a public servant from participating in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

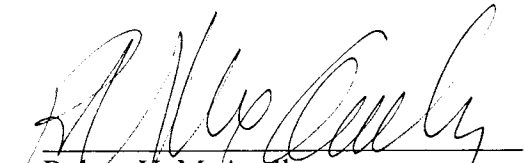
18.

Based on the foregoing, Brian Pope, in his capacity as City Marshal, City Court, City of Lafayette, Parish of Lafayette, violated La. R.S. 42:1112A when he instructed City Marshal staff to issue supplemental compensation checks to Brian Pope, while he knew he had a substantial economic interest in the supplemental compensation.

19.

In accordance with La. R.S. 42:1141C(3)(b)(iv), the Board designates David M. Bordelon and Tracy Barker as the Board's trial attorneys in this matter.


WHEREFORE, the Louisiana Board of Ethics requests that the Ethics Adjudicatory Board (a) conduct a hearing on the foregoing charge; (b) determine that Brian Pope violated La. R.S. 42:1111(A)(1); and (c) assess appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted at the hearing.



Robert V. McAnelly
Chairman, Louisiana Board of Ethics
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Baton Rouge, LA 70821
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CERTIFICATE:

I hereby certify that a copy of this document has been forwarded to the Respondent by registered/certified mail in accordance with La. R.S. 42:1141E(1)(a), on this 23rd day of January, 2019.



David M. Bordelon
Trial Attorney

SERVICE INFORMATION:

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