

**ETHICS & COMPLIANCE COMMISSION
JEFFERSON PARISH**

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**FINDINGS AND CONCLUSIONS
REGARDING COMPLAINT FILED BY
PRESIDENT MICHAEL S. YENNI
REGARDING EXCESSIVE SPENDING OF THE
INSPECTOR GENERAL**

NUMBER 2019-001

ISSUED 10/16/2019

ETHICS AND COMPLIANCE COMMISSION
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COMPLAINT FILED BY PRESIDENT MICHAEL S. YENNI REGARDING
EXCESSIVE SPENDING OF THE INSPECTOR GENERAL

FINDINGS AND CONCLUSIONS

This will serve as a report to the Commission regarding the Complaint filed by Jefferson Parish President Michael S. Yenni regarding the office space occupied by the Jefferson Parish Office of Inspector General and the costs associated with two leases executed by Inspector General David McClintock in 2013 and in 2018.

THE COMPLAINT

In the Complaint dated August 21, 2019, Jefferson Parish President Michael S. Yenni, alleged that the Jefferson Parish Inspector General David McClintock, entered into two leases for office space used by the Jefferson Parish Office of Inspector General (hereinafter referred to as “JPOIG”) that were in violation of Louisiana Public Bid Law, after space was offered at no cost by the Parish.

The first portion of the Complaint alleges that, “the Inspector General opted to lease a property located at 5401 Jefferson Highway to use as an office space for himself and his staff,” despite being offered a building located at 128 Wright Avenue in Terrytown, Louisiana, at no cost. More specifically, President Yenni asserts that Councilman Ricky Templet had offered this former medical office at no cost to the Inspector General for use as an office.¹

The Complaint further alleges that the renovation costs paid by the lessor of 5401 Jefferson Highway in the amount of \$138,615.00, together with carpet installation supplied by the Inspector General in the amount of \$13,122.24, and sound masking equipment installation in the amount of \$3,285.00, were in violation of the Louisiana Public Bid Law, which, according to President Yenni’s Complaint, prohibits public entities from entering into contracts in excess of \$150,000.00, absent compliance with the Public Bid Law.²

¹ See Complaint filed by Michael S. Yenni, Parish President, p. 2.

² *Id.*

President Yenni further indicated in his Complaint that, during 2018, the Inspector General met with Anthony Francis, Director of General Services for the Parish, at the former precinct office of the Jefferson Parish Sheriff's Office located at 4116 Hessmer Avenue in Metairie, Louisiana, in order to discuss the need and whether the conversion of that space could be accomplished in a suitable manner so as to meet the needs of the Inspector General and his staff. President Yenni states that this property was rejected by Inspector General McClintock.³ Thereafter, President Yenni notes that the Inspector General entered into a contract for the lease of space located in 990 N. Corporate Blvd., Harahan, Louisiana for a period of seven years. According to the Complaint, the lease binds the Parish to pay rent to the lessor beyond the expiration of the millage.⁴ President Yenni further argues again that the buildout costs of the 990 N. Corporate Blvd. space were also in violation of the Public Bid Law.

Finally, President Yenni asserts in his Complaint that the Inspector General has spent unnecessary funds in leasing and building out space in private buildings in Jefferson Parish when Parish-owned property was available. President Yenni asserts that taxpayer money would have been saved had the Inspector General accepted to occupy one of the Parish-owned facilities.

RESPONSE TO COMPLAINT BY THE INSPECTOR GENERAL

In response to the Complaint filed by President Yenni, Inspector General McClintock has provided a chronology regarding the securing of sufficient space for the office to operate functionally.⁵ Mr. McClintock stated that he learned after arriving in the Parish to assume his new role that the Parish had not planned in the preceding year to provide space for the JPOIG, and that there were no plans to provide such space in 2013. In fact, the budget for the JPOIG's office space for that year was set at \$54,000 and office space for the Jefferson Parish Ethics and Compliance Commission (hereinafter referred to as the "ECC"), for that year was budgeted for \$6,000.00, which represented an assumption that the JPOIG and ECC would require a combined total of 4,000 square feet at a rate of \$15.00 per foot.⁶ When Mr. McClintock sought "guidance" from the Parish Attorney, the Director of General Services, and other departments, he was offered temporary office space in

³ *Id.*

⁴ *Id.*, at p.3.

⁵ See the Response by Inspector General David McClintock.

⁶ See Exhibit "1" attached to the Response by the Inspector General.

the East Bank Library building, and some guidance was provided on the process of obtaining outside office space.⁷

Inspector General McClintock provided evidence that, in May of 2013, he contacted Councilman Ricky Templet and inquired as to the building formerly used as a medical office that had been acquired for use as a Parish Animal Shelter, but determined that it would be unsuitable for that purpose.⁸ In fact, Inspector General McClintock states in his response: “[N]either Councilman Templet’s Office nor anyone from the Parish Administration offered to meet and discuss associated costs for making the space suitable for JPOIG operations, ongoing costs of maintaining the exterior structure, ongoing costs of maintaining exterior space and costs for needed and ongoing repairs.”⁹ The exterior of the property appears to be in good condition, with the exception of some obvious termite damage, which has been halted.

Inspector General McClintock stated that at no time did Councilman Templet offer that the space was at no cost.¹⁰ During this same time period, Mr. McClintock provided a copy of an email from an agent attempting to lease space within a shared office space to the JPOIG as the suggestion of Councilwoman Cynthia Lee Sheng.¹¹ This too was considered unsuitable as the space did not possess the privacy and security required to operate an inspector general’s office.

Inspector General McClintock asserts that he contacted Steven R. Reisig, a local commercial real estate agent, to discuss securing suitable space for an office. In turn, Mr. Reisig issued a “Solicitation of Proposals for Office Space for the Office of the Inspector General in Jefferson.”¹² That solicitation, which has been provided to us, along with an Affidavit of Steven R. Reisig, sought proposals from commercial lessors in the Jefferson area seeking approximately 3,200 square feet of office space, completely built out and “turn-key ready,” for a lease term of five years, beginning in July of 2013. Pursuant to that Request for Proposals, two properties were identified that could meet the needs of the JPOIG, including 5401 Jefferson Highway, Jefferson, Louisiana, and 3636 S. I-10 Service Road, Metairie, Louisiana.

⁷ See Response, p.2.

⁸ See Response, pp. 3-4. See Also Exhibit “2” attached to the Inspector General’s Response.

⁹ See Response, p. 3.

¹⁰ *Id.* See Also Response to Counsel’s email, attached hereto and marked as Exhibit “A”.

¹¹ See Exhibit “3” to the Inspector General’s Response.

¹² See Affidavit of Steven R. Reisig, Ex. “4” and attachments thereto to the Inspector General’s Response.

Mr. Reisig recommended the space at 5401 Jefferson Highway because it had a backup generator and direct access to the JPOIG space.¹³

The final proposal from the owner of 5401 Jefferson Highway included proposal to build out the space to meet the specification at the Lessor's sole cost, in exchange for a five-year lease at the rate of \$19.50 per square foot. The proposal also contained a provision allowing for one month of free rent. A lease was executed in August of 2013, for the space.¹⁴ Thereafter, in February of 2014, the Inspector General and the Lessor entered into a retroactive amended lease, which provided for a period of five months of free rent, presumably because the buildout took a greater period of time than anticipated.¹⁵ This amendment was executed to show that the JPOIG, as lessee, had occupied the space for five months without paying any rent. In addition, Mr. McClintock indicated that the Lessor was merely providing used carpet squares or linoleum flooring so the Inspector General purchased carpet squares through Parish procurement for the space through the Parish at a cost of \$13,122.24.¹⁶

Although the original lease called for lease payments of \$6,750.00 per month for a period of sixty months (with one free month), the lease as amended, was for a lease period of fifty-five months with lease payments of \$6,750 per month. During the first four months after the amendment was executed, the JPOIG did not pay full rent because the space was not completed. The JPOIG was not obligated to pay the Lessor for any costs associated with the buildout of the space.

When the lease was nearing its expiration at 5401 Jefferson Highway, the Inspector General asserts that he began exploring other available leased space in order to expand to include an office for the ECC. It was during this time that Mr. McClintock reached out to the Director of General Services, Anthony Francis, to view the property vacated by the Jefferson Parish Sheriff's Office on Hessmer Avenue in Metairie, Louisiana.¹⁷ The space had formerly been a residential fourplex that had been occupied by the Jefferson Parish Sheriff's Office for a number of years prior to relocating to a newly constructed building.¹⁸ After looking at the space, Mr. McClintock did not believe that the space was either "fiscally nor operationally

¹³ *Id.*

¹⁴ See Office Rental Agreement, attached as Exhibit "1" to the Complaint.

¹⁵ See Amendment No. 1 to Office Rental Agreement, attached as an addendum to Exhibit "1" of the Complaint.

¹⁶ See email from Inspector General McClintock, attached hereto as Exhibit "B".

¹⁷ See email from Anthony Francis, Director of General Services, attached hereto as Exhibit "C".

¹⁸ See Response from Inspector General, pp. 9-10.

realistic.” Inspector General McClintock maintains that there was no communication between Mr. Francis and himself concerning the space being offered at no cost or who would be responsible for a buildout of the space to meet the needs of an inspector general.¹⁹

During this time, Steven Reisig once again sought to secure space for the JPOIG and ECC within the area.²⁰ Mr. Reisig’s employer, SRSA, negotiated the space at 990 N. Corporate Blvd., Harahan, Louisiana for the JPOIG and ECC, at a cost of \$19.01 per square foot.

Similar to the lease for the space at 5401 Jefferson Highway, Jefferson Louisiana, the lease for 990 N. Corporate Blvd. contained a “Fund Availability” provision which provides for the cancellation of the lease if the funding source for the lease is eliminated, with the exception of an amortized payment or buildout costs if the lease is terminated during the first 84 months.²¹ The space was completely built out at the expense of the lessor. The same sound masking system used at 5401 Jefferson Highway was installed at 990 N. Corporate Blvd.

Mr. McClintock recognizes that the Lessor at 990 N. Corporate Blvd. expended \$137,747.42 in buildout costs, which costs was entirely borne by the Lessor, and the lease price of \$19.01 per square foot was within market rates for commercial office space in similar buildings in Jefferson Parish.

Finally, Mr. McClintock has insisted that at no time has the Parish ever offered Parish-owned property or space at no cost to the Inspector General. The first time it was mentioned to Mr. McClintock was when Mr. Yenni made the statement during the August meeting of the Ethics and Compliance Commission.²²

INVESTIGATION AND ANALYSIS

As correctly noted by President Yenni, the ECC is,

An administrative, advisory, and quasi-judicial public body called upon to review, interpret, render advisory opinions on and enforce the ordinances, rules, regulations, and policies of Jefferson Parish which regulate the ethics

¹⁹ *Id.*

²⁰ See Affidavit of Steven R. Reisig.

²¹ See Lease Agreement by and between 990 N. Corporate Drive, LLC and Jefferson Parish through the Office of Inspector General, dated August 30, 2018, attached as Exhibit “4” to the Complaint filed by President Yenni.

²² See Response from Inspector General, pp. 2-3.

and standards of conduct for Jefferson Parish employees, officers, and other persons who are the recipients of public funds, [and] who are engaged in the performance of a parish governmental function.²³

It is the responsibility of the Commission to investigate fairly and impartially all complaints received that fall within its jurisdiction.²⁴

During the ECC meeting on August 21, 2019, and particularly during President Yenni's presentation to the Commission alleging excessive spending and violations of the Louisiana Public Bid Law by Inspector General McClintock, President Yenni stated, with a confirmation by Tim Palmatier, the Director of the Jefferson Finance Department, that the Parish had offered free space to the JPOIG. However, Kim Chatelain, General Counsel for the JPOIG, reminded the Parish President that the Jefferson Parish Attorney's Office was involved in the negotiation of the 2013 lease because Mr. McClintock was unfamiliar with Louisiana leases when he first arrived in Louisiana. Neither President Yenni nor Mr. Palmatier provided evidence of an offer of free space or the identity of the individual offering free space for the JPOIG. Further, there was no evidence presented as to when those conversations may have taken place.

When counsel for the Commission examined the building in October of 2019, it was apparent that the building had not been occupied at any time since 2013, and substantial buildout would be required to convert the space to usable office space. The interior of the space consists of a large waiting room, with two corridors of examination rooms and small offices on the exterior walls. The interior portion of the space had a large area where billing and patient records were kept, along with mechanical rooms and bathrooms. Each of the examination rooms had a sink in it, and the plumbing would have to be removed and sealed in those areas.²⁵ Combining small examination rooms and small offices would have been necessary to make the offices more appropriate for JPOIG staff. Refurbishment of existing walls and replacement of all floors and possibly plumbing and HVAC systems would likely have been necessary as well. When counsel for the Commission spoke with Mr. Templet, it was confirmed that there were no discussions relative to the cost of buildout or how cost for the space would be apportioned to the JPOIG. Mr. McClintock has indicated that he did not feel that the budget of the JPOIG and ECC

²³ Jefferson Parish Charter, §4.10(A). *See also*, Jefferson Parish Code of Ordinances, §2-538(a), (b).

²⁴ Jefferson Parish Code of Ordinances, §23-135(a) (1).

²⁵ Copies of photographs of the space are attached hereto as Exhibit "D".

could absorb the costs of buildout, maintenance, repairs and operations for the free-standing building. There is no evidence that Counsel for the ECC has been made aware of during the investigation that would establish the costs for such a buildout, as well as for ongoing maintenance and operations. Absent such evidence, it is impossible to determine if it would have been affordable, or even feasible, for the JPOIG to attempt to secure the building for an office.

It is noteworthy that the Jefferson Code of Ordinances prohibits the JPOIG from occupying space in either of the two Jefferson Parish office buildings, namely the Yenni building in Elmwood and the General Government Building in Gretna, Louisiana. Thus, it required the Inspector General to seek space located elsewhere in the Parish.

In 2018, the space formerly occupied by the Jefferson Parish Sheriff's Office was proposed. The Sheriff had occupied this space in the Fat City area of Metairie, at 4116 Hessmer Avenue, for years. Again, it would have required a buildout of the space, if it could have even been adapted as an acceptable space for the JPOIG. In addition, in each of the above noted two locations, there would also have been a property cost allocation that would have been charged by the Parish to the JPOIG for the occupancy of the spaces over and above the buildout costs.

As part of its investigation, counsel for the Commission made inquiries to Tim Palmatier, the Jefferson Parish Director of Finance, regarding the occupancy costs, indirect costs and shared costs borne by millage departments of the Parish for occupying the Yenni building or any other Parish-owned property. Mr. Palmatier first directed counsel to a 349-page document entitled "Full Cost Allocation Plan" for the Parish. This report outlines all expenses of the Parish during a fiscal year. The pertinent portions of that voluminous report can be found in the section labeled, "Building Depreciation," starting on page 25, and in the section labeled, "Property Management," starting on page 295, and more particularly on page 305.²⁶

The building depreciation component and the Property Management costs for the occupancy of the departments we have been provided totals \$22.27 per square foot in the Yenni Building and \$29.55 in the General Government Building based upon the total space in each building. Depreciation does not represent an actual cost to the Parish, but it does reflect the remaining useful life of building components. Even taking into consideration a deduction from the cost allocation for depreciation,

²⁶ See excerpts from Full Cost Allocation Plan attached as Exhibit "10" to the Inspector General's Response.

the lease cost of both 5401 Jefferson Highway and 990 N. Corporate Blvd. are within the same range of costs, if rent were paid by the JPOIG and ECC for occupancy in the Yenni or Government Buildings. It is clear from the budget proposed in 2013 that an annual combined rental of \$60,000.00 was anticipated for the JPOIG and ECC combined.

After further inquiry, Mr. Palmatier readily provided additional information regarding the costs borne by millage departments, including the streets department, the fire department, and the library. It is apparent from that information that a millage department that occupies a stand-alone structure bears the cost of buildout, maintenance and operations for the structure. Thus, if the JPOIG were to have occupied the property located at 128 Wright Avenue in Terrytown, it would have solely been responsible for all the buildout costs to convert the space from a former doctor's office to an office suitable for its needs and requirements, as well as costs for continued operations and maintenance. Mr. Palmatier did point out that no actual rent is charged to these millage departments and no rent would "likely" have been charged to the JPOIG and ECC, with the exception of these costs noted above.

An example of costs apportioned to millage departments is the Parish's recent purchase of the abandoned State Farm Building located at 834 S. Clearview Parkway, which lies in close proximity to 990 N. Corporate Blvd, a large portion of which is occupied by the fire department. To the extent that the fire department required any buildout of the space it occupied, such costs were deducted from its own budget.

A further inquiry was made to Anthony Francis, Director of the Department of General Services, with regard to discussions involving the property located at 4116 Hessmer, formerly known as the JPSO Building. Mr. Francis responded in an email that he met with Mr. McClintock, showed Mr. McClintock the JPSO Building, and recalls Mr. McClintock informing him that the building would not work. There were no discussions between Mr. Francis and Mr. McClintock concerning costs of buildout, operation, or maintenance of that space.

The second portion of the inquiry now must turn to the issue of the Public Bid Law. President Yenni has accused the Inspector General of violating the Louisiana Public Bid Law by arguing that the buildout costs for the space at 5401 Jefferson Highway of \$138,615.00, plus the carpet purchase and installation of \$13,122.00 and the sound masking system of \$3,285.00, violate the law. Mr. Yenni suggests that if all of the costs were combined, the sum would exceed the minimum threshold of

the public bid law. President Yenni attached copies of the buildout costs incurred by the owner of the building at 5401 Jefferson Highway, but the lease clearly demonstrates that those costs are solely borne by the Lessor. The Inspector General, did purchase carpet in the amount of \$13,122.00, and that purchase was made through the Parish Purchasing Department. President Yenni makes a similar argument for the buildout costs at 990 N. Corporate Blvd. in the amount of \$137,747.42. For some reason, President Yenni suggests that suspicions should be raised when the buildout costs of both spaces are similar in price. There is no evidence to support this suspicion, especially given the market rate for rent in the area at the time.

Louisiana Public Bid Law governs all contracts for public works awarded by a public entity with a threshold price of \$157,700.00 or higher. La. Rev. Stat. Ann. §38:2211. A public work includes a contract for the erection, construction, alteration, improvement, or repair of any facility or immovable property, owned, lease, or leased by a public entity. La. Rev. Stat. Ann. §38:2211(A) (12). A “public entity” is defined as the State of Louisiana, or any agency, board, commission, department, or public corporation of the state or any political subdivision of the state. La. Rev. Stat. Ann. §38:2211(A) (11). Neither contract exceeded the threshold costs, despite the Parish President’s suggestion of collusion between the Lessor and Inspector General McClintock.

Here the question is whether the buildout by a private property owner to create leasable space for the JPOIG is subject to the Public Bid Law. In a 2018 Attorney General Opinion, we learn that the construction of a new school building which will be for the benefit of an Academy and will be on the premises leased by the Academy and then subleased to a foundation is not subject to the Public Bid Law. See Louisiana Attorney General Opinion 18-0006. There, the Attorney General was requested to analyze a situation where the Discovery Health Science Academy, a Type 1 Charter School in Jefferson Parish authorized by the Jefferson Parish School Board, was seeking to secure a new building on vacant land leased from the school board pursuant to a 2017 Cooperative Endeavor Agreement. When the Academy could not secure financing for the construction of the building, the Academy desired to have formed a tax-exempt support organization to arrange financing, oversee construction and lease the building to the Academy upon completion. The Academy intended to sublease the land to a Foundation so that the Foundation could construct the school building with private funds and lease the building back to the charter

school upon completion. The Attorney General was therefore consulted to determine if the Foundation would be subject to the Public Bid Law if it undertook the project.

The Attorney General opined that the Foundation is a private organization and does not fall into any category enumerated in La. Rev. Stat. Ann. §38:2211(A)(11). The Public Bid Law, “by its own terms” applies only to public entities specifically enumerated in the statute and a private corporation does not meet the definition. *See M.K.L. Dev, LLC v. City of New Orleans*, 99-CA-1516 (La. App 4 Cir. 10/16/00), 772 So.2d 711,713, writ denied, 2000-3124 (La. 1/5/01), 778 So.2d 1146. Accordingly, the Attorney General found that the Foundation would not be subject to the Public Bid Law if it were to undertake construction of a new school building on land subleased from the Academy. In fact, the court, in *M.K.L.*, specifically found that the Public Bid Law does not “follow the building,” and that what is determinative in such cases is not the nature of the property being leased, but the type of entity doing the leasing.

In the instance before the ECC, the entity “doing the leasing” is a private owner of a commercial building in Jefferson Parish expending its own funds for the buildout of office space to rent to the JPOIG at a market rate. The JPOIG expended no funds in the buildout of the leased spaces at 5401 Jefferson Highway or 990 N. Corporate Blvd., with the exception of the carpet purchased as referenced hereinabove. A private entity is certainly not required to comply with Public Bid Law to buildout any portion of a private building, regardless of who the tenant becomes.

We know from the Affidavit provided by Steven R. Reisig, a local commercial realtor, that market rates included the rate of \$19.50 per square foot in 2013 and \$19.01 per square foot in 2018. Mr. Reisig stated that owners anticipate the need to renovate space in order to remain competitive in Class B space and to attract tenants. That was done in each instance.

From subsequent conversations with President Yenni, as well as from the last comments in his complaint, it becomes apparent that the issue is truly not whether the Public Bid Law was violated, but whether the JPOIG could have occupied Parish-owned properties and used its funds to improve and occupy those properties, all while keeping the payments “within the Parish.” This is more akin to an argument that the JPOIG made a poor business choice, which did not inure to the benefit of the citizens of the Parish. Since the Commission has no evidence of the costs of

buildout for either 128 Wright Avenue or 4116 Hessmer Avenue, as well as the costs of maintain and operating those buildings, it is impossible to determine if the JPOIG, and, in turn, the Parish could have realized any savings or benefited from having the JPOIG occupy one of the two properties shown to Mr. McClintock in 2013 and 2018 respectively, nor if doing so would have been feasible and not cost prohibitive.

CONCLUSION

The Commission received a Complaint of Excessive Spending and Violation of the Louisiana Public Bid Law from Parish President Yenni against the Inspector General on August 21, 2019. Although statements made by President Yenni that the Inspector General was offered free space in a number of parish-owned properties, the evidence as presented by the Parish Administration does not support this conclusory statement. In fact, the evidence is clear that any millage department occupying stand-alone properties in the Parish must pay for all costs associated with the buildout of the space to make it suitable for use by the department, must maintain the properties throughout the term of occupancy, and is responsible for all repairs. That building located at 834 S. Clearview Parkway was a suitable building in which the JPOIG could have been relocated in 2019, but an inquiry revealed that the property would be occupied by the Fire Department and the Department of Environmental Affairs and no other space in the building was available. The Commission has not been provided any evidence concerning the cost to buildout the space at 128 Wright Avenue in Terrytown, or 4116 Hessmer Avenue in Metairie, and thus cannot render an opinion as to whether the occupancy of those spaces would have been reasonable, given the limited budget of the JPOIG. Moreover, the Commission must inquire as to the timing of the Complaint given that the possible relocation by the JPOIG from the space located at 5401 Jefferson Highway was the topic of multiple discussions at the monthly Commission meetings beginning in late 2017, and continuing thereafter for months. It is troubling that not a single member of the Administration staff came to a meeting in those many months to suggest that there were options available for occupancy and that those options were available at no cost.

The Parish President made express statements to the Commission at his presentation at the August 21, 2019 meeting that the Inspector General and the Lessor were guilty of violating Louisiana Public Bid Law, even if unintentional. President Yenni even suggested that this Commission was “complicit” in allowing an attempt to circumvent public bid laws. The law in Louisiana is clearly contrary

to this strained interpretation of the public bid law. A private owner of property is not subject to the Louisiana Public Bid Law even if that owner intends to lease property to a public entity following a buildout.

In conclusion, it is clear that the Complaint argues that the Inspector General should have secured one of two buildings within the Parish, which were excess to the Parish needs, expended millage funds to build out the space so that it would be suitable for the needs of the JPOIG pursuant to public bid laws, and have maintained those properties for the benefit of the Parish. No evidence was presented to the Commission despite repeated requests that it would be economically feasible or fiscally prudent for the JPOIG to undertake these obligations. The Commission finds that the decision to lease space in two separate properties in close proximity to the Yenni building was a sound business decision believed to be in the best interest of the JPOIG and within the statutory authority of the Inspector General. It is for the foregoing reasons that the Commission finds that the Complaint is without merit at this time.

Jefferson, Louisiana, this 16th day of October, 2019.


HOWARD G. MAESTRI, CHAIR



Jerry Sullivan <jwsullivan@leefegibbs.com>

FW: Office Space

3 messages

Terry Talamo <TJTalamo@jeffparish.net>
To: "JWSullivan@leefegibbs.com" <JWSullivan@leefegibbs.com>
Cc: Ricky Templet <RTemplet@jeffparish.net>

Wed, Sep 25, 2019 at 4:57 PM

Jerry,

As per your request, please see the attached items.

Regards,

Terry J Talamo
Councilmanic Aide to
Councilman Ricky Templet
District "1"

General Government Complex
200 Derbigny St.-Suite 6400
Gretna, La. 70053

From: Carol Macera <CMacera@jeffparish.net>
Sent: Wednesday, September 25, 2019 11:53 AM
To: Terry Talamo <TJTalamo@jeffparish.net>
Subject: Office Space

Terry,

Attached are the emails you requested.

Thanks,

Exhibit "A"

Carol

From: Terry Talamo <TJTalamo@jeffparish.net>
Sent: Wednesday, September 25, 2019 11:45 AM
To: Carol Macera <CMacera@jeffparish.net>
Subject: FW: Ethics and Compliance Commission Inquiry

FYI

Terry J Talamo
Councilmanic Aide to
Councilman Ricky Templet
District "1"

General Government Complex
200 Derbigny St.-Suite 6400
Gretna, La. 70053

From: Jerry Sullivan <JWSullivan@leefegibbs.com>
Sent: Tuesday, September 24, 2019 4:22 PM
To: RickyTemplet <RickyTemplet@jeffparish.net>; Terry Talamo <TJTalamo@jeffparish.net>; David Courcelle <DCourcelle@jeffparish.net>
Subject: Ethics and Compliance Commission Inquiry

Councilman Templet:

I serve as counsel for the Jefferson Parish Ethics and Compliance Commission. As such, I request that you review your records and provide to me any emails, memoranda, correspondence or other documents relating to showing the westbank building referred to as the Animal Shelter to Inspector General McClintock in 2013 for possible use as an office for the Jefferson Parish Office of Inspector General, and whether there were any discussions, in writing or orally, regarding free use of the building, who would bear the cost for any buildout of the property so that it could be used as an office, and who would bear the cost of continued operations and maintenance.

Thank you in advance for your kind attention to this matter.

Regards,

Jerry W. Sullivan
Member

LEEFE, GIBBS, SULLIVAN & DUPRÉ, LLC

One Lakeway Center

3900 N. Causeway Blvd.

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----- Forwarded message -----

From: Carol Macera <CMacera@jeffparish.net>
 To: Carol Macera <CMacera@jeffparish.net>
 Cc:
 Bcc:
 Date: Wed, 25 Sep 2019 16:49:16 +0000
 Subject: FW: Terrytown & WB Space

-----Original Message-----

From: Dave McClintock <dm.jpoig@gmail.com>
 Sent: Monday, May 6, 2013 1:59 PM
 To: RickyTemplet <RickyTemplet@jeffparish.net>
 Subject: Re: Terrytown & WB Space

Ok great, when you get a chance I need the street address.

Dave

Sent from my iPhone

On May 6, 2013, at 1:40 PM, RickyTemplet <RickyTemplet@jeffparish.net> wrote:

> Thank you, I spoke to Councilman Templet and he will meet you at the property.

>
>

> Carol Macera
 > Office of Councilman Ricky Templet,
 > District 1 Jefferson Parish
 > Off 364-2607
 > Fax 364-2615

> -----Original Message-----

> From: Dave McClintock [mailto:dm.jpoig@gmail.com]
 > Sent: Friday, May 03, 2013 3:48 PM
 > To: RickyTemplet
 > Subject: Re: Terrytown & WB Space

> Good Afternoon,

> During our previous meeting there was some discussion of a building that had been acquired for the Animal Shelter, but was no longer needed for that purpose. I do know the address, but wanted to take a look at the property.

> I can meet the Councilman or aide at the address at 10:00 am on May 8 no problem.

> Dave McClintock
 > 504-301-8023

>

>
> Sent from my iPhone
>
> On May 3, 2013, at 2:07 PM, RickyTemplet <RickyTemplet@jeffparish.net> wrote:
>
>> Mr. McClintock,
>> Councilman Templet is available to meet with you on Wednesday, May 8th at 10:00. Please let me know if you are available at this time. Also, do you have an address of the property you would like to visit?
>>
>> Thank you,
>>
>> Carol Macera
>> Office of Councilman Ricky Templet,
>> District 1 Jefferson Parish
>> Off 364-2607
>> Fax 364-2615
>>
>>
>> -----Original Message-----
>> From: Dave McClintock [mailto:dm.jpoig@gmail.com]
>> Sent: Friday, May 03, 2013 11:03 AM
>> To: RickyTemplet; TDigerolamo; cmacera@jeffpariah.net
>> Cc: Suggs Carroll
>> Subject: Terrytown & WB Space
>>
>> Councilman Templet,
>>
>> I hope this email finds you well. I wanted to close the loop on the Terrytown Civic Assoc. meeting, both Carroll and I plan to attend the June 5th meeting. I understand the meeting will be held at 7:00pm at the Golden Age Center located at 604 Heritage Ave, Terrytown.
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>>
>> Dave McClintock
>> Inspector General
>>
>> Sent from my iPhone

----- Forwarded message -----
From: Carol Macera <CMacera@jeffparish.net>
To: Carol Macera <CMacera@jeffparish.net>
Cc:
Bcc:
Date: Wed, 25 Sep 2019 16:48:50 +0000
Subject: FW: Terrytown & WB Space

-----Original Message-----
From: Dave McClintock <dm.jpoig@gmail.com>
Sent: Friday, May 3, 2013 3:48 PM
To: RickyTemplet <RickyTemplet@jeffparish.net>
Subject: Re: Terrytown & WB Space

Good Afternoon,

During our previous meeting there was some discussion of a building that had been acquired for the Animal Shelter, but was no longer needed for that purpose. I do know the address, but wanted to take a look at the property.

I can meet the Councilman or aide at the address at 10:00 am on May 8 no problem.

Dave McClintock

504-301-8023

Sent from my iPhone

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> Inspector General
>
> Sent from my iPhone

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From: Carol Macera <CMacera@jeffparish.net>
To: Carol Macera <CMacera@jeffparish.net>
Cc:
Bcc:
Date: Wed, 25 Sep 2019 16:48:25 +0000
Subject: FW: Terrytown & WB Space

-----Original Message-----
From: Dave McClintock <dm.jpoig@gmail.com>
Sent: Friday, May 3, 2013 11:03 AM
To: RickyTemplet <RickyTemplet@jeffparish.net>; TDigerolamo <TonyDigerolamo@jeffparish.net>; cmacera@jeffpariah.net
Cc: Suggs Carroll <cwsuggs@cwsuggs.com>
Subject: Terrytown & WB Space

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Dave McClintock
Inspector General

Sent from my iPhone

3 attachments

 **FW: Terrytown & WB Space.eml**
6K

 **FW: Terrytown & WB Space.eml**
5K

 **FW: Terrytown & WB Space.eml**
4K

Jerry Sullivan <JWSullivan@leefegibbs.com>
To: "Warren R. Bourgeois" <wbourgeois@jpecc.net>, "Dolores C. Hall" <dchall@jpecc.net>

Wed, Sep 25, 2019 at 5:04 PM

FYI

Regards,

Jerry W. Sullivan
Member

LEEFE, GIBBS, SULLIVAN & DUPRÉ, LLC

One Lakeway Center
3900 N. Causeway Blvd.
Suite 1470
Metairie, LA 70002
Telephone: (504) 830-3990
Direct line: (504) 830-3992
Facsimile: (504) 830-3998
E-mail: jwsullivan@leefegibbs.com
Website: www.leefegibbs.com



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 http://www.leefegibbs.com/wp-content/uploads/2013/03/LGSDA_Logo_Color-01-01.png

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[Quoted text hidden]

----- Forwarded message -----

From: Carol Macera <CMacera@jeffparish.net>
To: Carol Macera <CMacera@jeffparish.net>
Cc:
Bcc:
Date: Wed, 25 Sep 2019 16:49:16 +0000
Subject: FW: Terrytown & WB Space

-----Original Message-----

From: Dave McClintock <dm.jpoig@gmail.com>
Sent: Monday, May 6, 2013 1:59 PM
To: RickyTemplet <RickyTemplet@jeffparish.net>
Subject: Re: Terrytown & WB Space

Ok great, when you get a chance I need the street address.

Dave

Sent from my iPhone

On May 6, 2013, at 1:40 PM, RickyTemplet <RickyTemplet@jeffparish.net> wrote:

> Thank you, I spoke to Councilman Templet and he will meet you at the property.

>

>

> Carol Macera
> Office of Councilman Ricky Templet,
> District 1 Jefferson Parish
> Off 364-2607
> Fax 364-2615

>

> -----Original Message-----

> From: Dave McClintock [mailto:dm.jpoig@gmail.com]
> Sent: Friday, May 03, 2013 3:48 PM
> To: RickyTemplet
> Subject: Re: Terrytown & WB Space

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> Dave McClintock
> 504-301-8023

>

>

> Sent from my iPhone

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To: RickyTemplet <RickyTemplet@jeffparish.net>; TDigerolamo <TonyDigerolamo@jeffparish.net>; cmacera@jeffpariah.net
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Inspector General

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3 attachments

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6K
-  **FW: Terrytown & WB Space.eml**
5K
-  **FW: Terrytown & WB Space.eml**
4K

Jerry Sullivan <JWSullivan@leefegibbs.com>
To: Terry Talamo <TJTalamo@jeffparish.net>

Wed, Sep 25, 2019 at 5:04 PM

Thank you for the timely response.

Regards,

Jerry W. Sullivan
Member

LEEFE, GIBBS, SULLIVAN & DUPRÉ, LLC

One Lakeway Center
3900 N. Causeway Blvd.
Suite 1470
Metairie, LA 70002
Telephone: (504) 830-3990
Direct line: (504) 830-3992
Facsimile: (504) 830-3998
E-mail: jwsullivan@leefegibbs.com
Website: www.leefegibbs.com



Our attorneys are licensed in the States of Louisiana and Florida

 http://www.leefegibbs.com/wp-content/uploads/2013/03/LGSDA_Logo_Color-01-01.png

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[Quoted text hidden]



Jerry Sullivan <jwsullivan@leefegibbs.com>

Additional Information on Carpeting and Amendment #1

1 message

David N. McClintock <dmcclintock@jpoig.net>
To: Jerry Sullivan <JWSullivan@leefegibbs.com>
Cc: Kim Chatelain <kchatelain@jpoig.net>

Fri, Oct 11, 2019 at 11:07 AM

Mr. Sullivan,

In response to your request for additional information regarding my decision to amend the terms of the August 2013 Lease with the Jefferson Business Center (JBC) and the acquisition of carpeting under a Louisiana State contract, I respectfully submit the following:

My decision to work with the owners of the JBC on a Lease Amendment was based on the reality that the circumstances existing in February of 2014 had not been anticipated by either party when the original lease was signed in August of 2013.

In August of 2013 the lease:

- Provided temporary office space for JPOIG operations and staff at no cost for one (1) month; and
- Provide furnished offices and storage space at no cost;

In February of 2014 the reality was that:

- The build out was not yet complete;
- JPOIG staff had occupied furnished space at no charge for approximately five (5) months;
- The JBC was storing the JPOIG newly purchased furniture in space not previously occupied by JPOIG operations.

In February of 2014 it was obvious to both myself and the JBC's ownership that the original lease had not anticipated the current circumstances. The JPOIG had benefited from being housed in rent free furnished space for more than five (5) months, not the intended one (1) month. Thus, I completely understood when I was approached by the JBC's management about working on a lease amendment that eventually became Amendment #1.

Amendment #1 quantified the cost of the space currently occupied for staffing and storage by the JPOIG and provided a mechanism for us to begin making usage payments to the JBC. Importantly, the agreement did not approve any funds for the previous five (5) months of occupancy.

Contemporaneous, or nearly so, with Amendment #1 and the on-going build out, I had discussions with the JBC on flooring. The JBC was offering existing carpet tiles from other areas of the building. I did not feel this option was suitable for the space being built out and made the decision to procure carpet tiles under a Louisiana State contract. Carpet tiles, while generally competitive with rolled carpet was required. The flooring in the building, and in nearly 100% of the space leased by the JPOIG, was raised flooring designed for industrial computer operations. The system is based on rigid panels set into a raised steel grid. All electric and data cables run below the floors requiring panels to be pulled up periodically. Thus, rolled flooring/carpet was not an option as once installed it would prohibit access.

Should there be any further questions please let me know.

Exhibit "B"

David N. McClintock

Inspector General

Office of Inspector General

Jefferson Parish

990 N. Corporate Drive, Suite 300

Jefferson, LA 70123

Office: 504-736-8962

Fax: 504-736-8963

Cell: 504-301-8023

Visit Us On the Web: WWW.JPOIG.NET

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Jerry Sullivan <jwsullivan@leefegibbs.com>

Jefferson Ethics and Compliance Commission inquiry

3 messages

Jerry Sullivan <JWSullivan@leefegibbs.com>
To: afrancis@jeffparish.net
Cc: David Courcelle <DCourcelle@jeffparish.net>

Tue, Oct 1, 2019 at 12:38 PM

Mr. Francis:

I have not received any response from you from my earlier email regarding your communications with the Jefferson Parish Inspector General. Please respond as soon as possible since this is matter in which time is of the essence.

Regards,

Jerry W. Sullivan
Member

LEEFE, GIBBS, SULLIVAN & DUPRÉ, LLC

One Lakeway Center
3900 N. Causeway Blvd.
Suite 1470
Metairie, LA 70002
Telephone: (504) 830-3990
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Anthony Francis <AnthonyFrancis@jeffparish.net>
To: Jerry Sullivan <JWSullivan@leefegibbs.com>
Cc: David Courcelle <DCourcelle@jeffparish.net>

Tue, Oct 1, 2019 at 6:16 PM

Mr. Sullivan-

Exhibit "C"

Please see the below response.

Response:

128 Wright Ave. (Proposed WEST BANK ANIMAL SHELTER) - I was not involved in any conversation involving the OIG and this facility.

4116 Hessmer (Former JPSO Building) - David McClintock contacted me requesting to visit this facility. We scheduled to meet on Thursday, August 30th, 2019 for 10:00 am at the building.

Reference the attached email concerning the discussion of scheduling of this meeting. During our visit to the building Mr. McClintock stated (paraphrasing)

“This building will not work”. No further discussions were had with Mr. McClintock concerning detailed cost for buildout, operation, maintenance, etc.

Anthony L. Francis, Jr.

Department of General Services Director

Jefferson Parish Government

504.364.2675

www.jeffparish.net



[Quoted text hidden]



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----- Forwarded message -----
From: David McClintock <dmclintock@jpoig.net>
To: Maryanne Adorno <MAdorno@jeffparish.net>
Cc:
Bcc:
Date: Wed, 22 Aug 2018 19:45:31 +0000
Subject: RE: Meeting Request

Maryanne,

The Thursday 08/30/2018 at 10 is confirmed with JPSO.

From: Maryanne Adorno [mailto:MAdorno@jeffparish.net]
Sent: Monday, August 20, 2018 12:51 PM
To: David McClintock <dmclintock@jpoig.net>
Subject: RE: Meeting Request

Good Afternoon,

Anthony would prefer if you coordinate with District 1.

Thank you

Maryanne Adorno

Secretary

Department of General Services

Joseph S. Yenni Building

1221 Elmwood Park Blvd, Suite 509

Jefferson, La 70123

(504) 736-6048 Direct Phone

(504) 736-6036 Department Phone

(504) 736-6049 Fax

From: David N. McClintock [mailto:dmclintock@jpoig.net]

Sent: Thursday, August 16, 2018 12:15 PM

To: Maryanne Adorno

Subject: RE: Meeting Request

Thursday August 30 @10 works. Will you be coordinating with District 1?

From: Maryanne Adorno [mailto:MAdorno@jeffparish.net]

Sent: Wednesday, August 15, 2018 3:53 PM

To: David McClintock <dmclintock@jpoig.net>

Subject: Meeting Request

Good Afternoon Mr. McClintock,

I am trying to schedule a meeting per Anthony's request to meet @ District 1.

Please advise if you are available:

Thursday, August 30th @10am

Friday, August 31st @ 1pm

Thank you

Maryanne Adorno

Secretary

Department of General Services

Joseph S. Yenni Building



Exhibit "D"





















