



SOUTHERN UNIVERSITY AND A&M COLLEGE SYSTEM
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REVIEW OF E-MAILS SUBMITTED FOR THE PUBLIC RECORDS REQUEST

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May 2, 2018

BACKGROUND

On April 17, 2018, the Communications Department received a public records request from an investigative reporting unit. The request was for all of the e-mails sent and received for Nathan Haymer, Director of Bands, related to the band performing in Mardi Gras Parades and other events during 2018. Mr. Haymer's e-mails were pulled for the period January 1, 2018 to April 24, 2018. The scope of this review included reviewing and summarizing all e-mails related to the band performing in Mardi Gras parades and other events for the period stated above. The results of the review and analysis are shown below.

- I. During the period January 1, 2018 to April 24, 2018, Mr. Haymer had approximately 2,500 e-mails. Approximately 200 of these e-mails met the criteria for the public records request.
- II. The band performed in the following parades: Bacchus, Krewe of Poseidon, Zulu, Krewe of Nyx, and Femme Fatale. The contract amounts for these parades totaled \$55,000. During the review it was noted that Mr. Haymer requested the carnival krewes to split the payment, paying a portion of the amount to Southern University, the bus company (for travel), and directly to himself (Mr. Haymer). The total amount paid to Mr. Haymer from four of the five carnival krewes totaled \$14,700 (we could not find an amount paid to Mr. Haymer from the Krewe of Poseidon).
- III. The fact that Mr. Haymer requested and received payments in his name appears to be a violation of The Louisiana Code of Governmental Ethics. Violations of the following sections of the code are at question:

1. R.S. 42:1111A – Receipt of a thing of economic value from a source other than the governmental entity for the performance of official duties of responsibilities.
2. R.S. 42:1111C(1)(a) – Receipt of a thing of economic value for performance of a service substantially related to public duties or which draws on non-public information.
3. R.S. 42:1111C(2)(d) – Receipt of a thing of economic value by a public servant for services rendered for the following: (1) persons who have or are seeking to obtain contractual or other business or financial relationship with the public servant’s agency.
4. R.S. 42:1115 – Elected officials and public employees are prohibited from soliciting or accepting a gift from the following persons:
 - (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant’s agency.
5. R.S. 42:1111E – Receipt of a thing of economic value for assisting someone with a transaction with the agency of the public servant.
6. R.S. 42:1112 – Participation by a public servant in a transaction involving the governmental entity in which any of the following persons have a substantial economic interest:
 - a. (1) the public servant:
 - b. (6) any person who is indebted to him or is a party to an existing contract with him and by reason thereof is in a position to affect directly his economic interests.
7. R.S. 42:1113 – For public servants, other than legislators or appointed members of boards and commission, bidding on or entering into any contract, subcontract or other transaction under the supervision or jurisdiction of the public servant’s agency.
8. R.S. 42:1116 – A public servant’s use of the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value that they are not entitled to by law or the use of the authority of his office to compel or coerce a person to engage in political activity.
9. R.S. 42:1117 – It is prohibited for a public servant or other person make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer or deliver a thing of economic value to a public servant when the public servant is prohibited by the Ethics Code from receiving such a thing of economic value.

Based on this section of the code, it appears that the carnival krewes may also be in violation of the Code of Governmental Ethics.

- IV. During our review, Mr. Haymer was interviewed on Wednesday, April 25, 2018, by the Executive Director of Internal Audit. Mr. Haymer was informed that a public records request was received and the University would be responding to the request on Friday, April 27, 2018. We also discussed some of the items in the e-mails in order to get a response from Mr. Haymer. Mr. Haymer stated that the honorariums shown in the e-mails were paid to him and he used some of the money to pay staff and kept the remaining. He stated that these payments are customary and other band directors as well as the previous band director received honorariums. On Wednesday, April 25, 2018, discussions with the previous band director revealed that he did not receive any type of personal honorarium or compensation for performing at Mardi Gras parades and special events. In addition, on Monday, April 29, 2018, a call was placed to the audit director of Grambling State University. The audit director stated the band director for Grambling State University does not receive honorariums or any type of payment for performances. On May 1, 2018, based on a discussion with the Louisiana State University (LSU) audit director, it was discovered that the LSU band director does not receive any type of honorarium for performing at parades or events. All funds are paid to LSU. Also, statements from Florida A & M University (FAMU) revealed that the band director at FAMU does not receive any honorariums or compensation for performing at parades and special events.
- V. As a result of Mr. Haymer's statement that he used some of the money to pay his staff, two staff members were interviewed. One staff member stated that he has never received any honorariums for performing at parades and events. The other staff member stated that he did receive honorariums in the past. He stated that he did not receive anything in 2018 and does not remember receiving anything in 2017. He stated that he never received any checks from any carnival krewes but he did receive honorariums from Mr. Haymer. He stated he was not sure of the source of the honorariums. He stated that he was paid with checks but he could not remember who the checks were from but was certain that they were not directly from any of the carnival krewes.
- VI. The contracts executed with the carnival krewes were signed by Mr. Haymer. During the interview, Mr. Haymer was asked why he didn't obtain approval from either his supervisor or someone else at the University. He stated that he is only suppose to get approval for any new business/events. He stated that there was no need to have anyone else sign these contracts because the band performed in these parades in previous years. A letter to Mr. Haymer on November 3, 2016 directly contradicts Mr. Haymer statements. The letter states that effective immediately, the procedures for approving and signing agreements for the Southern University Marching Band are as follows:
- i. The event and agreement must be approved by Academic Affairs.
 - ii. All agreements must be submitted to the General Counsel for review and approval
 - iii. All agreements must be signed by the Chancellor-President or his designee.

Mr. Haymer violated a direct directive from the University.

RECOMMENDATIONS

1. Southern University should immediately report potential violations of the Louisiana Code of Governmental Ethics to the Louisiana Board of Ethics and the Legislative Auditor. If the Board of Ethics rules that the Louisiana Code of Governmental Ethics was violated, the University should seek restitution.
2. Southern University should consider immediate disciplinary actions for the Director of Bands for a direct violation of the directive stating that all contracts must be approved by the President-Chancellor.
3. Since the scope of this review was limited to Mardi Gras and event performances for the period January 1, 2018 to April 24, 2018, the Office of Internal Audit should launch a full investigation, covering Mr. Haymer's tenure as Director of Bands.