

CITY OF ABBEVILLE  
VERMILION PARISH CLERK OF COURT



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COMPLIANCE AUDIT

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ISSUED NOVEMBER 28, 2007

**LEGISLATIVE AUDITOR  
1600 NORTH THIRD STREET  
POST OFFICE BOX 94397  
BATON ROUGE, LOUISIANA 70804-9397**

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STEVE J. THERIOT, CPA  
LEGISLATIVE AUDITOR

OFFICE OF  
**LEGISLATIVE AUDITOR**  
STATE OF LOUISIANA  
BATON ROUGE, LOUISIANA 70804-9397

1600 NORTH THIRD STREET  
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November 28, 2007

Honorable Diane Meaux Broussard  
Vermilion Parish Clerk of Court  
100 North State Street, Suite 101  
Abbeville, Louisiana 70510-5199

Honorable Francis Plaisance, Councilman at Large  
and other Council Members  
Post Office Box 1170  
Abbeville, Louisiana 70511-1170

Dear Ms. Broussard, Mr. Plaisance, and other Council Members:

This office received information indicating that Mr. Carlton Campbell is in possible violation of the state's dual office holding prohibition. Based on that information and in accordance with Title 24 of the Louisiana Revised Statutes, we performed an examination of Mr. Campbell's public office status to determine the propriety of this information. The concerns and results of our examination are stated below for your consideration.

According to City and Clerk of Court records, Mr. Campbell simultaneously held the elective position of Abbeville city councilman and the full-time appointed position of deputy clerk of court<sup>1</sup> for the Vermilion Parish Clerk of Court's Office. The dates of those positions are as follows:

- In 1972, Mr. Campbell was appointed by the Vermilion Parish Clerk of Court as a full-time deputy clerk.
- On July 1, 1994, Mr. Campbell was sworn in as the City of Abbeville's elected councilman.
- On July 1, 2004, Mr. Campbell was appointed as the Vermilion Parish Clerk of Court's chief deputy clerk.

In 1992, prior to Mr. Campbell's election as city councilman, he requested that the Attorney General opine as to the legality of his holding an elective office while discharging his duties as a deputy clerk. On October 22, 1992, the Attorney General informed him that holding both elective and appointive positions were prohibited.<sup>2</sup> In the opinion, the Attorney General

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<sup>1</sup> Louisiana State Constitution Article V §28 (A) states, in part, "The clerk may appoint deputies with duties and powers provided by law . . ."

<sup>2</sup> Attorney General Opinion No. 92-569

Honorable Diane Meaux Broussard, Clerk of Court  
Honorable Francis Plaisance, Councilman at Large  
and other Council Members  
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referenced Louisiana Revised Statute (R.S.) 42:63(D) which states, in part, that “No person holding an elective office in the government of this state shall at the same time hold another elective office, or full-time appointive office in the government of this state or in the government of a political subdivision thereof . . .” This office is in agreement with the opinion.

In a letter to this office dated October 11, 2007, Mr. Campbell’s attorney pointed to R.S. 42:63(E) and a more recent Attorney General Opinion, No. 07-0122, as evidence of the propriety for his holding both positions. However, R.S. 42:63(E) and Attorney General Opinion No. 07-0122 address the issue of simultaneous employment by two public agencies and not simultaneous appointive and elective positions. Therefore, it appears this opinion does not apply and the 1992 opinion is still controlling for Mr. Campbell’s particular situation. As stated above, this office is in agreement with Attorney General Opinion No. 92-569 because the opinion addresses, on point, Mr. Campbell’s circumstances of simultaneously holding elective and appointive positions.

To comply with Louisiana law, it appears that Mr. Campbell is legally compelled to resign either his city councilman position or his appointment as chief deputy clerk with the Vermilion Parish Clerk of Court’s Office. Should Mr. Campbell choose to not resign, we recommend you immediately petition the court for a declaratory judgment on the legality of simultaneously holding both appointive and elective positions.

This correspondence represents our finding and recommendations as well as your response. I trust this information will assist you in the resolution of this matter. Should you have any questions, please contact me at (225) 339-3839 or Mr. Dan Daigle at (225) 339-3808.

Sincerely,



Steve J. Theriot, CPA  
Legislative Auditor

cc: City of Abbeville Council Members  
Honorable Diane Meaux Broussard,  
Vermilion Parish Clerk of Court  
Honorable Michael Harson,  
District Attorney for the Fifteenth Judicial District

TAB:GD:DD:dl

**Diane Meaux Broussard**  
*Vermilion Parish Clerk of Court*



**Carlton Campbell**  
*Chief Deputy*

November 26, 2007

Office of Legislative Auditor  
State of Louisiana  
Baton Rouge, Louisiana

ATTENTION: Mr. Steve J. Theriot,  
Legislative Auditor

Re: Carlton Campbell  
Audit Findings, City of  
Abbeville, Louisiana

Dear Mr. Theriot:

I am in receipt of your letter dated November 6, 2007, and the compliance audit finding(s) on the City of Abbeville enclosed therewith.

I would like to thank you for the opportunity to respond to the findings.

Prior to my taking office as the Vermilion Parish Clerk of Court on July 1, 2004, I looked into whether I could appoint Carlton Campbell as chief deputy clerk of court. Mr. Campbell at that time had been deputy clerk for 30 years and had been city councilman for 10 years. I contacted an attorney to look into whether the appointment might violate La. R.S. 42:63 (D). The attorney, after reviewing the statute, Attorney General Opinion No. 92-569 and Attorney General Opinion No. 93-201, opined that Mr. Campbell could be appointed chief deputy, as he felt that Mr. Campbell was, and would continue to be after the appointment, an employee of the clerk's office, and not an appointive office holder as contemplated by the statute. I felt that he must be right since Mr. Campbell had held the elective office of city councilman and employed as a deputy clerk for 10 years while serving under three different clerks of court.



100 North State Street, Suite 101 • Abbeville, Louisiana 70510 • (337) 898-1992 • Fax (337) 898-9803



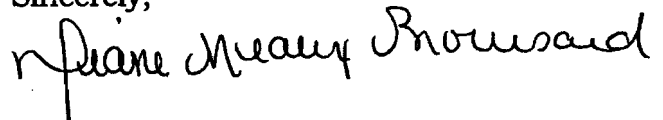
Office of Legislative Auditor  
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Upon receipt of your office's compliance findings, I first contacted Mr. Campbell and asked him how he would respond to the findings. He stated that his position on the matter was the same as it was in 1994 when he and his attorney argued that Attorney General Opinion 93-201 controlled and that he was *not* going to resign from either position.

I then consulted with my legal counsel who advised me to contact our District Attorney, Mr. Michael Harson, for assistance in determining how I should proceed in this matter. After meeting with Mr. Harson, it was decided by Mr. Harson that the proper thing to do was for he, as District Attorney, to file the action contemplated by La. R.S. 42:65(A) and seek a declaratory judgment on the legality of Mr. Campbell being a deputy clerk and/or chief deputy clerk while holding the elective office of city councilman. A petition styled, "Petition Declaratory Judgment" was filed in my office on Wednesday, November 21, 2007. In this petition Mr. Campbell was made the defendant and he will have to defend his position in this judicial proceeding. My legal counsel has advised me to wait for a decision from the Court(s) before taking any action, if any be warranted, in regards to this matter.

Thank you.

Sincerely,



Diane Meaux Broussard,  
Clerk of Court, 15th Judicial  
District, Vermilion Parish,  
Louisiana

# Edwards & Bellaire

Attorneys At Law

Roger C. Edwards  
(1923-2000)

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November 15<sup>th</sup>, 2007

Office of the Legislative Auditor  
1600 North Third Street  
P.O. Box 94397  
Baton Rouge, Louisiana 70804-9397

Dear Sir,

I am drafting this correspondence as per your instruction, as contained in your letter dated November 6<sup>th</sup>, 2007. As per that correspondence it state, "that you request a response to the draft of your findings in the matters at hand no later than November 20<sup>th</sup>, 2007". Mr. Campbell respects the position taken by the Office of the Legislative Auditor, but respectfully disagrees with their interpretation.

In response Mr. Campbell feels that it would be in his best interest to respectfully follow the recommendations of the draft provided and begin the process of petitioning the court for a declaratory judgment on the issues presented in the draft. It is his intention to bring this issues before the appropriate court and call to question the issue of why deputy clerks are being treated in an obviously different manner than all other municipal/parish employees by being labeled appointees as opposed to employees. It would seem to violate the very core equal protection principles that he could hold almost any other position in the parish and it would not create the situation that being a deputy clerk allegedly causes with respect to dual office holding. Much deference is given to the appointment issue and Mr. Campbell feels that this would best be addressed by the courts of this State.

Again this response is made with all due respect to the findings of your office, and I thank you for the opportunity to respond.

Sincerely Yours,



Bart J. Bellaire

Attorney for Carlton Campbell