

LOUISIANA STATE PENITENTIARY AT ANGOLA -  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
STATE OF LOUISIANA



INVESTIGATIVE AUDIT  
ISSUED JANUARY 18, 2017

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LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

January 18, 2017

**SECRETARY JAMES LEBLANC,**  
**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS**  
Baton Rouge, Louisiana

**AND WARDEN DARRELL VANNOY,**  
**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS**  
Angola, Louisiana

We have audited certain transactions of the Louisiana State Penitentiary at Angola. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the validity of allegations we received.

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 responses. This is a public report. Copies of this report have been delivered to the District Attorney for the 19<sup>th</sup> Judicial District of Louisiana, the District Attorney for the 20<sup>th</sup> Judicial District of Louisiana, the Louisiana Attorney General, the United States Attorney for the Middle District, and others as required by law.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE  
Legislative Auditor

DGP/aa

DOC ANGOLA



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## EXECUTIVE SUMMARY

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### **Louisiana State Penitentiary at Angola (Angola) Employees Failed to Take Leave while Working on Warden Cain's Personal Residence**

Three Angola Maintenance Department employees appear to have worked on former Warden Burl Cain's (Warden Cain) personal residence in Baton Rouge, Louisiana without taking leave between March 4, 2015 and August 20, 2015. By failing to take leave when working on Warden Cain's personal residence, these employees may have violated the Department of Corrections' (DOC) policies and state law.

### **Lodging and Meals Provided to Members of Warden Cain's Family**

We identified 188 instances when members of former Warden Cain's immediate family and extended family stayed overnight in state-owned houses at Angola between September 2010 and December 2015. In addition, we found that at least 235 meals were provided to Warden Cain's immediate and extended family members during these overnight stays. We estimated the costs of the lodging and meals provided to Warden Cain's immediate and extended family members to be \$17,474. Lodging and meals provided to Warden Cain's immediate and extended family members without a public purpose represent an improper donation of public funds and may violate the Louisiana Constitution and state law.

### **Angola's Prison Enterprises' Facility Refurbished Iron Gates from Warden Cain's Personal Residence**

Angola Maintenance Director Tim Byrd told us that Warden Cain asked him (Mr. Byrd) to drive to Warden Cain's personal residence in Baton Rouge, remove the two large gates from their gateposts, and bring them to Angola for sandblasting and powder coating in May or June 2015. Mr. Byrd said he did as requested and took the gates to Angola's Prison Enterprises' metal fabrication shop, where the gates were sandblasted and powder coated, then returned the gates to Warden Cain's personal residence and reinstalled them. Prison Enterprises records did not show a work order or receipt for payment of the sandblasting or powder coating. If Warden Cain allowed Prison Enterprises' metal fabrication shop to perform work on his private property without paying for the work performed, he may have violated state law.

### **Public Funds Were Used to Purchase Appliances and Household Furnishings for the Angola Warden's House at Angola without Proper Authority**

Public funds totaling \$27,520 were used to purchase appliances and household furnishings for the Warden's house on Angola's prison grounds (Warden's house) between January 2009 and August 2015. Although DOC policy allows certain ranking Angola employees

to live in houses on prison grounds, the policy makes no provision for appliances or household furnishings. Since public funds were used to provide Warden Cain with appliances and household furnishings without DOC authorization, Warden Cain may have violated state law.

### **Revenue from the Angola Rodeo Not Deposited with the State Treasury or Included in the DOC's Budget**

The Angola Rodeo generated \$6,294,587 in revenue from January 2014 through December 2015 that was neither deposited with the Louisiana State Treasury nor included in the DOC budget, as required by the Louisiana Constitution and state law. Based on statements from DOC management, Rodeo Funds have never been deposited with the Louisiana State Treasury or included in the DOC Budget.

### **Angola Prison Rodeo Committee Improperly Donated Funds to Purchase Bus**

The Angola Prison Rodeo Committee improperly donated \$67,620 to the Louisiana State Penitentiary Museum Foundation (Museum Foundation), a Louisiana nonprofit corporation, to purchase a passenger bus and pay for related insurance in April 2015. Although the Museum Foundation purchased the bus and held title in its name, the bus was used jointly by the Museum Foundation and Angola for prison tours. Because there was no agreement between the Museum Foundation and Angola to document that Angola received a benefit or value at least equivalent to the \$67,620 donated to the Museum Foundation, this transaction appears to be an improper donation of public funds, which may violate the state constitution.

### **Angola Employee Recreation Committee's (AERC) Use of Angola Assets and Noncompliance with Its By-Laws**

The AERC generates its revenue through the use of Angola assets without paying any fees to Angola and without a contract. Angola's practice of allowing the AERC to use state property without paying any fees or having a written contract may violate the state constitution. In addition; the AERC does not appear to follow the operational requirements within its by-laws.

### **Personal Purchases and Cash Withdrawals Made from AERC**

Colonel Shirley Whittington, a former Angola employee and Secretary/Treasurer of the AERC, made personal purchases and undocumented cash withdrawals totaling \$101,044 with an AERC debit card or through cash withdrawals at the DOC Credit Union office between April 2009 and May 2016. Colonel Whittington stated that she used AERC funds to make personal purchases but claimed the cash withdrawals were for AERC business. However, there were no AERC records to explain the business purpose of the cash withdrawals. By using AERC funds for personal purposes, Colonel Whittington may have violated Louisiana law.

**AERC Rodeo Concession Sales Revenue Not Deposited**

From April 2010 through October 2015, \$27,918 of the AERC's Angola Rodeo concession sales revenue was not deposited into the AERC's Credit Union account.

**Personal Purchases Made from Angola Hook and Ladder Club Account**

Angola Assistant Fire Chief Major Sidney Davis purchased questionable items totaling \$4,217 using an Angola Hook and Ladder Club debit card between May 2013 and May 2016. Major Davis told us that \$2,188 of the purchases were for his personal benefit. By using Hook and Ladder Club funds to make personal purchases, Major Davis may have violated Louisiana law.





## BACKGROUND AND METHODOLOGY

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The Louisiana Department of Public Safety and Corrections (DOC) is an executive branch state department. Its mission is to enhance public safety through the safe and secure incarceration of offenders, effective probation/parole supervision, and proven rehabilitative strategies that successfully reintegrate offenders into society, as well as to assist individuals and communities victimized by crime. DOC consists of three divisions - Correction Services, Public Safety Services, and the Office of Juvenile Justice.

Included within the oversight of DOC are nine adult institutions including the Louisiana State Penitentiary at Angola (Angola). Angola is a maximum-security prison and the state's largest prison with approximately 6,300 inmates. Educational and rehabilitative programs are offered for the inmates including carpentry, welding, culinary arts, and industrial painting. Eligible inmates can also participate in the transitional work program whereby they work for local companies and return to the facility in the evening. Burl Cain was the Angola warden from January 1995 to August 31, 2016, when he resigned. The current warden is Darrel Vannoy.

We began our audit after receiving complaints of improper transactions at Angola. During all relevant time, Mr. Cain was the Angola warden. We conducted this audit to determine whether there was a factual basis for these allegations. We requested a meeting with Mr. Cain to discuss these complaints. However, Mr. Cain's attorney replied through correspondence declining our request for an interview. The procedures performed during this audit included:

- (1) interviewing DOC employees and officials;
- (2) interviewing other persons as appropriate;
- (3) examining selected DOC documents and records;
- (4) gathering and examining external parties' documents and records; and
- (5) reviewing applicable state laws and regulations.



## FINDINGS AND RECOMMENDATIONS

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### **Louisiana State Penitentiary at Angola (Angola) Employees Failed to Take Leave while Working on Warden Cain's Personal Residence**

**Three Angola Maintenance Department employees appear to have worked on former Warden Burl Cain's (Warden Cain) personal residence in Baton Rouge, Louisiana without taking leave between March 4, 2015 and August 20, 2015. By failing to take leave when working on Warden Cain's personal residence, these employees may have violated the Department of Corrections' (DOC) policies and state law.<sup>1,2</sup>**

Ten Louisiana State Penitentiary at Angola (Angola) maintenance employees told us they helped former Warden Cain renovate his personal residence in Baton Rouge, Louisiana in 2015. We reviewed Angola records, including time sheets, leave requests and overtime reports, and conducted interviews of Angola employees. We learned that these 10 employees worked on Warden Cain's personal residence for all or part of 62 days. Seven of these 10 Angola employees stated that their supervisor, Angola Maintenance Director Timothy Byrd, asked them to work on Warden Cain's personal residence.

A comparison of Angola records, third-party records, and statements show that three of these 10 employees failed to take annual leave for a portion of the time they spent working on Warden Cain's personal residence. Two of these employees worked on Warden Cain's private house for a combined total of 11 hours over two days without taking annual leave. The third employee, Mr. Byrd, worked on Warden Cain's personal residence without taking leave for all or part of at least 21 days between March 2015 and August 2015.

Mr. Byrd characterized his work on Warden Cain's personal residence as that of a "project manager" and stated that he organized the construction work and picked up building materials and supplies and brought them to Warden Cain's personal residence. For example, documentation obtained from ProSource

Wholesale Floors, LLC in Baton Rouge (58.2 miles from Angola) shows that Mr. Byrd signed to pick up Warden Cain's flooring materials at 10:53 a.m. on Friday, July 10, 2015 (see above). However, Mr. Byrd's time sheet shows that he worked eight hours and took no annual leave on July 10, 2015. Angola records show Mr. Byrd's normal work schedule at Angola during this period was 7:00 a.m. to 3:30 p.m. Monday through Friday or 7:00 a.m. to 4:00 p.m. Monday through Friday. Since he picked up Warden Cain's flooring materials during his regularly-scheduled work hours, Mr. Byrd should have used annual leave (vacation), but did not.

PS WHOLESALE FLOORS, LLC  
PICKUP DOCUMENT

Customer Info  
HARVEY HONORE ENTERPRISES  
8680 BLUEBONNET BLVD  
STE A  
BATON ROUGE LA 70810  
PO: BURL CAIN Invoice #: CG536949

Pickup Info  
07/10/15  
10:53AM

*[Handwritten Signature]*

Mr. Byrd stated that he worked hours outside of his normal work schedule to make up for hours he worked on Warden Cain's personal residence. For example, Mr. Byrd told us that on one occasion he worked a night shift at the prison after working his regular day shift; he said he worked at Warden Cain's personal residence the following day. By working the night shift after his regular day shift, Mr. Byrd said that he effectively worked an extra day, freeing him to work on Warden Cain's personal residence the following day without taking leave. However, Mr. Byrd's time sheets do not reflect any such deviations from his normal work schedule. Two timekeeping policies were in effect during the period Angola employees worked on Warden Cain's private house, and both policies required documentation of all deviations from regular work schedules. Mr. Byrd's statements and his time sheets conflict with the requirements of those policies.

Assistant Warden Donnie Barr was Mr. Byrd's supervisor during the time the work was performed on Warden Cain's personal residence. Mr. Barr stated that, although he was responsible for approving Mr. Byrd's time sheets, he did not recall anything in writing regarding Mr. Byrd deviating from his regular work schedule. He further stated he is sure there were times when Mr. Byrd deviated from his regular schedule, but he did not remember any specific instances. However, he added that Mr. Byrd and Warden Cain were friends, and that Warden Cain often personally directed Mr. Byrd's daily work activity. Mr. Barr said that, due to this, he may not have been aware of an approved deviation to Mr. Byrd's work schedule.

According to the Angola maintenance department's timekeeper, all employees are required to turn in reports of overtime for all hours worked outside of their normal work schedule. The timekeeper further stated that regardless of the number of hours worked in a pay period, employees are required to submit leave slips for any and all leave taken during their regularly-scheduled work hours. Further, the use of leave and overtime is addressed in DOC *Department Regulation No. A-02-049* which states, in part, that "Each employee shall work the regular work schedule established for his or her position, unless leave has been granted to that employee in accordance with this regulation and/or unit specific policy." According to DOC Human Resource Director Tanisha Matthews, Mr. Byrd's normal work schedule must be documented in writing. She further stated that all DOC employees are required to document when they earn and use compensatory leave and any flexible work schedule they may adopt. Ms. Matthews said this information should be maintained in the employee's Angola Human Resources Department.

We reviewed Mr. Byrd's Angola personnel file, but it did not contain documentation of (1) an approved flexible work schedule, (2) changes to his regular work schedule, (3) additional approved leave, or (4) an exemption from any DOC or Angola timekeeping requirements. We attempted to review Mr. Byrd's Angola email account for evidence of his work schedule, but we were informed by Angola Assistant Warden Jonathan London that all of Mr. Byrd's emails prior to October 1, 2015, had been deleted without being backed up or archived, which may violate state law<sup>3</sup> since public records are generally required to be kept for at least three years.

Because Mr. Byrd and two other employees appear to have performed work at Warden Cain's personal residence without taking leave, they may have violated Angola and DOC timekeeping policies and procedures, and state law.<sup>1,2</sup>

In addition to working on Warden Cain's personal residence in Baton Rouge, Angola maintenance employees told us they also worked on other properties for Warden Cain, including: (1) Warden Cain's wife's house in Baton Rouge's Broadmoor subdivision, (2) Warden Cain's Tennessee cabin, (3) Warden Cain's West Feliciana Parish property development, and (4) Warden Cain's property near Jackson, Louisiana. We were unable to determine if any of this work was done by Angola maintenance employees while being paid by Angola without taking leave due to a lack of third-party records and recollections about when the work was performed.

### **Lodging and Meals Provided to Members of Warden Cain's Family**

**We identified 188 instances when members of former Warden Cain's immediate family<sup>A</sup> and extended family<sup>B</sup> stayed overnight in state-owned houses at Angola between September 2010 and December 2015. In addition, we found that at least 235 meals were provided to Warden Cain's immediate and extended family members during these overnight stays. We estimated the costs of the lodging and meals provided to Warden Cain's immediate and extended family members to be \$17,474. Lodging and meals provided to Warden Cain's immediate and extended family members without a public purpose represent an improper donation of public funds and may violate the state constitution<sup>4</sup> and state law.<sup>2,5</sup>**

Angola has three guest cottages on its grounds; each cottage has furnished bedrooms, living areas, kitchens, laundry, and bathroom facilities. In addition to the three cottages, Angola also has a Ranch House and Lake House (the "houses") that have furnished bedrooms, living areas, kitchens, laundry, and bathroom facilities, which are also used to house Angola's guests. Overnight guests are provided meals at the Ranch House in addition to their lodging. The food for the meals is purchased through Angola's Rodeo Fund (which is discussed in greater detail later in this report). Guest stays in these houses are arranged through the chaplain's office or the warden's office and are recorded on "meals/housing" forms, as well as an electronic calendar.

The meal/housing forms, electronic calendars, and front gate entry/exit logs for the time period September 2010 through December 2015 indicate that Warden Cain's family members stayed 188 nights in Angola's cottages and houses. The stays typically occurred on weekends (Friday, Saturday, and Sunday) or around state holidays and sometimes included meals prepared at the Ranch House. In some instances, records indicate these family members brought guests with them. Angola records indicate that 235 meals were provided to former Warden Cain's immediate and extended family members during these guest stays. There was no documentation to indicate the business purpose of these guest stays by former Warden Cain's immediate<sup>A</sup> and extended<sup>B</sup> family members, and the prison did not charge any fees for the lodging and meal costs.

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<sup>A</sup> **Louisiana Revised Statute 42:1102(13)** states, "'Immediate family' as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse."

<sup>B</sup> **Dictionary.com** defines "extended family" as "one's family conceived of as including aunts, uncles, cousins, in-laws, and sometimes close friends and colleagues."

Angola records, such as meal and housing forms, the reservation calendar, and front gate entry/exit logs, indicate that the following family members of Warden Cain made overnight stays at Angola during our audit period:

- (1) Nathan Cain, son;
- (2) Marshall Cain, son;
- (3) Amanda Cain Smith, daughter;
- (4) Alton Cain, brother; and
- (5) Mary Cain, cousin.

Because Angola management had no standard rates for lodging and meals, we used the state travel housing and meal cost allowances listed in the Louisiana Travel Guide<sup>6</sup> to estimate the housing and meal costs of \$17,474 (\$14,198 for 188 nights lodging and \$3,276 for 235 meals). The following table indicates the overnight stays for each family member and the estimated lodging and meal costs of those overnight stays.

<b>Lodging and Meal Costs for Warden Cain Family Members Staying at Angola</b>			
<b>Description</b>	<b>Number of Overnight Stays</b>	<b>Lodging Costs</b>	<b>Meal Costs</b>
Nathan Cain	140	\$10,499	\$1,930
Marshall Cain	27	2,075	314
Amanda Smith Cain	13	998	112
Alton Cain	5	377	440
Mary Cain	3	249	480
<b>Total</b>	<b>188</b>	<b>\$14,198</b>	<b>\$3,276</b>

Angola records show that Warden Cain's family members usually stayed at Angola during weekends and holidays. For example, records show that Marshall Cain and Amanda Cain Smith stayed at Angola from Friday, November 25, 2011 through Sunday, November 27, 2011. Similarly, records show that Nathan Cain stayed at Angola from Wednesday, December 24, 2014 through Sunday, December 28, 2014, and Amanda Cain Smith stayed at Angola from Wednesday, December 24, 2014 through Thursday, December 25, 2014. These overnight stays coincided with the Thanksgiving and Christmas holidays.

Warden Cain's two sons, Nathan Cain and Marshall Cain, worked for the DOC during the period covered by our audit. Marshall Cain worked as the Regional Farm Ranch Manager for Prison Enterprises (an agency within the DOC), where he was responsible for overseeing

Prison Enterprises' livestock and farming operations at Angola and other DOC prisons. Nathan Cain was the warden of the Avoyelles Correctional Facility in Cottonport, Louisiana (2012-2016) and was previously deputy warden at the Phelps Correctional Center in DeQuincy, Louisiana (2005-2012). Both Nathan and Marshall Cain confirmed that they stayed overnight at Angola, but stated that it was for work-related activities. However, records show that they stayed overnight at Angola when their time sheets show they were not working.

Nathan Cain initially told us that most of his overnight stays at Angola involved work such as reviewing vocational programs and ministry groups to assess whether they would be useful at his prison. He further stated that overnight stays for holidays, such as Christmas and Thanksgiving, had no business purpose. He later added that during all his overnight stays at Angola he discussed prison business with his father, Warden Cain. Angola records show that of the 140 overnight stays for Nathan Cain, 92 occurred on days he was not working. For example, he stayed overnight at Angola on 21 weekends (Friday and Saturday overnight stays) during 2011, but his time sheets show that he only worked two Saturdays and two Sundays during this period. In addition, although Nathan Cain's overnight stays at Angola sometimes corresponded to days he worked, his available time sheets covering the time period give no indication that he worked at Angola on these days. Both Nathan Cain and Angola management were unable to provide documentation to explain the business purpose of Nathan Cain's overnight stays.

Marshall Cain stated that if Angola records showed he stayed overnight at Angola, this was because he was working at the prison that day. Angola records show that Marshall Cain stayed overnight at Angola for 27 days. Twenty-two of these overnight stays occurred prior to Marshall Cain being hired by Prison Enterprises in January 2013. Further, DOC records show that while he was employed by Prison Enterprises, Marshall Cain's home address in St. Francisville, Louisiana was only 33 miles from Angola. This distance seems insufficient to require overnight stays at Angola.

Amanda Cain Smith ended her employment with the DOC prior to our review period, and Mary Cain and Alton Cain never worked for the DOC. Therefore, Amanda Cain Smith, Mary Cain, and Alton Cain do not appear to have had any business purpose for staying at Angola. However, records show that Amanda Cain Smith, Mary Cain, and Alton Cain made 21 overnight stays at Angola during our audit period. Alton Cain confirmed that he had stayed at Angola for the purpose of visiting his brother, and there was no business purpose for these visits. Through her attorney, Amanda Cain Smith declined our request for an interview. We were unable to contact Mary Cain.

The three cottages, the Ranch House, and the Lake House are state buildings and are to be used to serve a public purpose. However, these buildings were routinely used to house and provide meals to Warden Cain's family members at no cost. DOC policy allows "ranking administrative and security staff, maintenance staff, medical/mental health staff, tactical and chase teams and an adequate number of CSO's (Corrections Security Officer) to maintain a ready reserve force" to live in state-owned houses at Angola. Warden Cain lived in a state-owned house commonly referred to as the "Warden's house" during the period these overnight stays occurred. Since the Warden's house had four bedrooms, these family members could have stayed with former Warden Cain at the Warden's house. Because these overnight stays by



immediate<sup>A</sup> and extended<sup>B</sup> family members occurred when they were either not working, not employed by the DOC, or while they were working but without documentation supporting the business purpose of the overnight stay, the lodging and meals do not appear to have a valid public purpose and, as such, represent an improper donation of public funds which may violate the state constitution<sup>4</sup> and state law.<sup>2,5</sup>

### **Angola's Prison Enterprises' Facility Refurbished Iron Gates from Warden Cain's Personal Residence**

**Angola Maintenance Director Tim Byrd told us that Warden Cain asked him (Mr. Byrd) to drive to Warden Cain's personal residence in Baton Rouge, remove the two large gates from their gateposts, and bring them to Angola for sandblasting and powder coating in May or June 2015. Mr. Byrd said he did as requested and took the gates to Angola's Prison Enterprises' metal fabrication shop, where the gates were sandblasted and powder coated, then returned the gates to Warden Cain's personal residence and reinstalled them. Prison Enterprises records did not show a work order or receipt for payment of the sandblasting or powder coating. If Warden Cain allowed Prison Enterprises' metal fabrication shop to perform work on his private property without paying for the work performed, he may have violated state law.<sup>2,5,7</sup>**

Mr. Byrd told us that Warden Cain asked him (Mr. Byrd) to drive 53 miles one way from Angola to Warden Cain's personal residence on Joor Road in Baton Rouge, remove the two large gates from their gateposts, and bring them to Angola for sandblasting and powder coating in May or June 2015. The gates are on opposite ends of a curved driveway that fronts Joor Road. According to Mr. Byrd, the gates were so large that he could haul only one gate at a time. Warden Cain told Mr. Byrd that he (Warden Cain) would obtain the powder coating supplies. Mr. Byrd did as asked and brought the gates to the Angola's Prison Enterprises' metal fabrication shop.

Several days later, Mr. Byrd said he retrieved the gates from Prison Enterprises' metal fabrication shop, returned them to Warden Cain's house on Joor Road, and reinstalled them. Mr. Byrd said the gates had been refinished at the time he picked them up from the metal fabrication shop. Mr. Byrd also stated that he used Warden Cain's personal truck and trailer to transport the gates. According to estimates we received from private companies, the market value of sand blasting and powder coating the two gates was approximately \$1,100.



**Driveway Gates at Joor Road Residence**

Pursuant to DOC policy and state law, Prison Enterprises sells products and services to state agencies, private entities, nonprofit organizations, and public employees. Prison Enterprises records show there were no payments from Warden Cain or work orders to powder coat his gates during the period that he owned the house on Joor Road (March 2015 through February 2016). Contrary to Mr. Byrd's statements, the manager of the Prison Enterprises' metal fabrication shop at Angola told us that he never saw these gates at the metal fabrication shop.

Based on statements by Mr. Byrd and our review of Prison Enterprises' records, it appears that Warden Cain's privately-owned gates were refurbished at Angola's Prison Enterprises' metal fabrication shop, and Warden Cain did not pay Prison Enterprises for the work performed. If Warden Cain allowed his privately-owned gates to be sandblasted and powder coated at the metal fabrication shop without paying for those services, Warden Cain may have violated state law.<sup>2,5,7</sup>

**Public Funds Were Used to Purchase Appliances and Household Furnishings for the Warden's House at Angola without Proper Authority**

**Public funds totaling \$27,520 were used to purchase appliances and household furnishings for the Warden's house on Angola's prison grounds between January 2009 and August 2015. Although DOC policy allows certain ranking Angola employees to live in houses on prison grounds, the policy makes no provision for appliances or household furnishings. Since public funds were used to provide Warden Cain with appliances and household furnishings without DOC authorization, Warden Cain may have violated state law.**<sup>2,5,8</sup>

Angola has 110 state-owned houses on prison grounds, including the Warden's house. DOC policy allows "ranking administrative and security staff, maintenance staff, medical/mental health staff, tactical and chase teams and an adequate number of CSO's (Corrections Security Officer) to maintain a ready reserve force" to live in these houses. The policy authorizes the

warden to assign available housing rent-free in a manner that promotes safe, stable, and effective operations. At times when housing is not available for wardens, deputy wardens, or assistant wardens, DOC policy allows these employees to be paid a housing allowance, provided they live within 50 miles of the prison. The policy also obligates the occupying employee to report needed repairs and maintenance and for the prison to make the repairs and keep records of the cost.

Angola records show the purchase of numerous appliances and household furnishings for the Warden's house when it was occupied by Warden Cain. These purchases appear unrelated to maintenance or repair expenses allowed under DOC policy and, in some instances, appear unnecessary. For example, in one instance, a washer/dryer set was purchased for the Warden's house that Finance Director Gayle McGhee said did not have a "gentle" cycle, and, as a result, a second upgraded washer/dryer set was purchased three days later. The original set was not returned to the vendor for a refund but was moved to a storage warehouse at the prison and may have later been moved for use by an employee in another house on Angola's grounds. In another instance, Angola records show that alligator leather and upholstery nails were purchased for \$203.52 to construct stools for the Warden's house. There are barstools in the Warden's house, but there were no records to indicate that the alligator leather was used on those bar stools. Other purchases included disposable items, such as light bulbs and air/water filters. The following chart provides examples of home appliances purchased for the Warden's house.

Home Appliances Purchased for the Warden's House			
Date	Vendor	Description	Cost
7/24/2015	Lowe's	Washer/Dryer Set	\$878.00
10/8/2014	Sherwood Appliance	32" Television and Mount	\$478.00
9/29/2014	Sherwood Appliance	70" Television	\$2,299.95
9/17/2014	AJ Madison	46.6-Cubic-Foot Refrigerator	\$2,589.00
9/17/2014	Conn's	70" Television	\$2,399.99
9/9/2014	Bellelo's	20.5-Cubic-Foot Upright Freezer	\$850.00
8/2/2013	Lowe's	Washing Machine	\$1,038.45
6/6/2012	Lowe's	Washer/Dryer Set	\$1,888.20
4/7/2011	Amazon	Microwave	\$225.24
3/31/2011	Walmart	50" Television and Mount	\$697.96
5/6/2009	Stanton Appliances	Freezer	\$950.00

Assistant Warden Bruce Dodd stated that he was not aware of any policy governing what can be purchased for the Warden's house at Angola. He added that all appliances at the Warden's house are Angola property, and that Angola replaces these appliances when they break. Finance Director McGee stated that she was also unaware of any policy pertaining to allowable purchases for the Warden's house. However, she stated that purchases for the Warden's house were made on the authority of Warden Cain.

Although Angola provided home appliances and household furnishings for the Warden's house, the majority of the other Angola employees who lived in state-owned houses did not receive appliances and household furnishings. According to Assistant Warden Dodd, decisions to purchase home appliances for state-owned housing at Angola were made on a case-by-case basis. For example, home appliances may have been installed in state-owned housing offered to employees in high-demand occupations, such as doctors, as an inducement to come to Angola. However, these purchases were rare and infrequent. Most state-owned housing at Angola had no home appliances or furnishings provided by Angola.

Because Warden Cain received the use of appliances and home furnishings purchased with public funds, but without DOC authorization, these purchases appear to be for Warden Cain's personal benefit and may violate state law.<sup>2,5,8</sup>

### **Revenue from the Angola Prison Rodeo Not Deposited with the State Treasury or Included in the DOC's Budget**

**The Angola Prison Rodeo (Rodeo) generated \$6,294,587 in revenue from January 2014 through December 2015 that was neither deposited with the Louisiana State Treasury nor included in the DOC budget, as required by the state constitution<sup>9</sup> and state law.<sup>10</sup> Based on statements from DOC management, Rodeo Funds have never been deposited with the Louisiana State Treasury or included in the DOC Budget.**

The Rodeo was established in 1964. The Angola Prison Rodeo Committee (Rodeo Committee) manages the Angola Rodeo Fund (Rodeo Fund) and consists of not less than seven and no more than 34 members selected by the Warden. According to Angola records, Rodeo proceeds were to be used solely for the benefit of the Angola inmate population, with a priority to safe arena facilities for the Rodeo and construction of chapels on the Angola prison grounds. After completion of the chapels, additional proceeds are to be donated to the Inmate Welfare Fund or to other worthy causes. Since the Rodeo is operated on public property at Angola by public employees and the Rodeo Committee is not a separate legal entity (such as a nonprofit), the funds placed in the Rodeo Fund account should be treated as public funds.

The Rodeo is held one weekend in April and every Sunday in October each year. Revenue from the Rodeo includes ticket sales, concession sales, advertising revenue, donations, and fees for providing booths for inmate hobby craft sales. Rodeo revenue is deposited into a checking account at Highlands Bank. Rodeo Fund records including checks, receipts, invoices, and deposits are maintained at the Angola Business Office by Angola employees. Pursuant to the Rodeo Charter, all revenue generated from the Rodeo is to be used "solely for the benefit of the Louisiana State Penitentiary inmate population...." Angola records show that Rodeo revenue was \$3,207,429 in calendar year 2014 and \$3,087,158 in calendar year 2015.

The state constitution requires that "All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury..." Banking records show that the revenue from the Rodeo was deposited at Highlands Bank and not with the Louisiana State Treasury as required by the state constitution.<sup>9</sup> We also

noted that Rodeo revenue was not included in DOC's budget request as required by state law.<sup>10</sup> Because the amount of Rodeo revenue and a description of its intended use were not included in DOC's budget, the Louisiana Legislature was not allowed to provide appropriate oversight.

### **Angola Prison Rodeo Committee Improperly Donated Funds to Purchase Bus**

**The Rodeo Committee improperly donated \$67,620 to the Louisiana State Penitentiary Museum Foundation (Museum Foundation), a Louisiana nonprofit corporation, to purchase a passenger bus and pay for related insurance in April 2015. Although the Museum Foundation purchased the bus and held title in its name, the bus was used jointly by the Museum Foundation and Angola for prison tours. Because there was no agreement between the Museum Foundation and Angola to document that Angola received a benefit or value at least equivalent to the \$67,620 donated to the Museum Foundation, this transaction appears to be an improper donation of public funds, which may violate the state constitution.<sup>4</sup>**

According to Rodeo Fund records, \$61,983 was donated to the Museum Foundation to purchase a 28-passenger bus on April 9, 2015. The Rodeo Committee donated an additional \$5,637 to insure the bus. Although Angola could not provide us with Rodeo Committee meeting minutes discussing and approving this donation, Assistant Warden Dodd – a Rodeo Committee member at the time of the donation – told us the donation was made because the Division of Administration would not allow Angola to purchase the bus without giving up one of its other fleet vehicles. Angola Administrative Director Gail McGee agreed that the Division of Administration would have required Angola to give up a fleet vehicle to purchase the bus. Therefore, it appears the donation was made to the Museum Foundation to circumvent the Division of Administration's fleet size restrictions.

Although the Rodeo Committee could not produce minutes of a meeting discussing and approving this donation, Museum Foundation minutes confirm that the Rodeo Committee donated funds for a bus to be used jointly by the Museum Foundation and Angola but was silent as to how Angola's inmate population benefitted from the bus purchase. According to Museum Foundation Board President Sheryl Ranatza, the bus was to be used to conduct tours of the prison by the general public, students, or other groups. The purpose of the tours is to educate the public about the Louisiana criminal justice system. Museum Foundation Director Marsha Lindsey told us that the Museum Foundation has not used the bus much since it was purchased. Ms. Lindsey said that Angola uses the bus to transport religious groups, pardon and parole board members, industry representatives working in the vocational programs, and others.

For this donation to be constitutionally permissible: (1) the \$67,620 transfer must be for a public purpose that comports with the governmental purpose which Angola has legal authority to pursue; (2) the transfer, taken as a whole, does not appear to be gratuitous; and (3) evidence must demonstrate that Angola has a demonstrable, objective, and reasonable expectation of receiving a benefit or value at least equivalent to the amount transferred. The transfer from the Rodeo Fund to the Museum Foundation appears to have been made to circumvent a Division of Administration requirement that the bus purchase be offset with a corresponding fleet reduction

and not to benefit the inmate population as required by the Charter. Therefore, the \$67,620 payment to the Angola Museum appears to be impermissible and may violate the state constitution.<sup>4</sup>

### **Angola Employee Recreation Committee's (AERC) Use of Angola Assets and Noncompliance with Its By-Laws**

**The AERC generates its revenue through the use of Angola assets without paying any fees to Angola and without a contract. Angola's practice of allowing the AERC to use state property without paying any fees or having a written contract may violate the state constitution.<sup>4</sup> In addition, the AERC does not appear to follow the operational requirements within its by-laws.**

The AERC was registered as a nonprofit Louisiana limited liability company in February 2006 to enrich the Angola community through planning, execution, and expansion of recreational and community events for the employees of the Louisiana State Penitentiary, their families, and the surrounding community. AERC's revenue is generated through use of Angola assets, such as Angola's golf course, Angola Prison Rodeo concession booths, Angola vending machines, and occupancy fees generated from state-owned housing at Angola. Angola and AERC did not have a cooperative endeavor agreement or other contract to allow AERC's use of state property. Moreover, AERC did not pay Angola for its use of state property to generate revenue. In addition, AERC did not purchase liability insurance to operate the Angola assets it used to generate revenue, such as the swimming pool and golf course. Angola's practice of allowing AERC to control and use state assets without payment may violate the state constitution.<sup>4</sup>

AERC has two accounts at the DOC Credit Union (Credit Union), where revenue from its operations is deposited – one is its operating account and the other account is a smaller checking account primarily used to pay off loans. The following table shows the deposits, withdrawals, and drafts that cleared the AERC operating account from 2013 to 2015.

<b>Activity in the AERC Operating Account</b>			
<b>Year</b>	<b>Deposits</b>	<b>Withdrawals</b>	<b>Drafts Cleared</b>
2015	\$368,905	\$86,381	\$307,414
2014	413,627	81,456	322,248
2013	400,884	101,628	303,834
<b>Totals</b>	<b>\$1,183,416</b>	<b>\$269,465</b>	<b>\$933,496</b>

The AERC revenue is kept separate from Angola's funds and is not subject to Angola's accounting and purchasing procedures or an audit since the AERC is operated as a separate nonprofit entity. The unsigned AERC by-laws, dated April 9, 2007, require an annual independent audit, but from what we were told, AERC has never been audited. The by-laws



further require that monthly financial statements be submitted to the Warden, a copy of the statement be posted on employee bulletin boards, and that the Warden must approve purchases greater than \$1,000. However, AERC Treasurer Colonel Shirley Whittington stated that she was at least six months behind posting transactions to the accounting records, which indicates timely monthly financial statements had not been produced for the Warden or for employees. Colonel Whittington also said that she did not submit all expenditures exceeding \$1,000 to the Warden for approval.

AERC's unsigned by-laws also mandate that the Executive Committee, comprised of AERC's President, Vice-President, Treasurer, Secretary, and at least two other Louisiana State Penitentiary employees designated by the Warden, shall conduct all business. According to the by-laws, an election for the President is to be held each January, and an election for the Vice-President, Treasurer, and Secretary is to be held each July. AERC records show no evidence of the required election of the officers. Lieutenant Colonel Deborah Leonard and Colonel Whittington signed the Articles of Organization to form the non-profit in 2006 and held the President and Treasurer positions from 2006 to 2016. According to statements by Lieutenant Colonel Deborah Leonard and AERC records, both Lieutenant Colonel Leonard and Colonel Whittington were involved with the AERC for years before it was legally organized in 2006.

### **Personal Purchases and Cash Withdrawals made from AERC**

**Colonel Shirley Whittington, a former Angola employee and Secretary/Treasurer of AERC, made personal purchases and undocumented cash withdrawals totaling \$101,044 with an AERC debit card or through cash withdrawals at the Credit Union office between April 2009 and May 2016. Colonel Whittington stated that she used AERC funds to make personal purchases but claimed the cash withdrawals were for AERC business. However, there were no AERC records to explain the business purpose of the cash withdrawals. By using AERC funds for personal purposes, Colonel Whittington may have violated state law.<sup>2,5,7</sup>**

AERC is a limited liability company organized in February 2006 that oversees the recreation fund. AERC membership is open to all Angola employees and includes an Executive Committee of six members, two of which are appointed by the Warden. The Warden is also an ex-officio AERC committee member; AERC's by-laws require the Warden's approval for functions, fund raising activities, and purchases greater than \$1,000. AERC's purpose is to "enrich the Angola community through planning, execution and expansion of recreational and community events for the employees of the Louisiana State Penitentiary, their families, and the surrounding community." Pursuant to these purposes, AERC maintains a swimming pool, golf course, and wellness center at the prison.

AERC has two bank accounts located at the Credit Union. The recreation fund receives revenue from a \$75 yearly recreation fee required of Angola employees residing in state-owned housing at the prison, vending machines located on the prison grounds, fees paid by non-residents to use the golf course, and revenue from concession stands at the Angola rodeo.

Colonel Whittington was AERC's Treasurer during our audit period, and Lieutenant Colonel Leonard, also an Angola employee, was AERC's President. Both Colonel Whittington and Lieutenant Colonel Leonard had signature authority on AERC's bank accounts, which allowed them to sign AERC checks. AERC maintained five debit cards during the period covered by our audit, two in Lieutenant Colonel Leonard's name three in Colonel Whittington's name.

According to AERC's by-laws, AERC's Treasurer is responsible for approving purchases, check writing, making deposits, recording inventory, preparing financial statements, and performing account reconciliations. By assigning these responsibilities to one person (Colonel Whittington), the by-laws did not allow for appropriate internal controls and separation of duties and gave Colonel Whittington complete control over the organization's funds and records.

The personal purchases and cash withdrawals made by Colonel Whittington are summarized in the table below.

<b>Personal Purchases and Cash Withdrawals Made by Shirley Whittington</b>	
<b>Description</b>	<b>Amount</b>
Personal Purchases	\$63,353
Gift Cards	1,395
ATM Cash Withdrawals	27,057
Cash Back on Debit Card Purchases	4,980
Withdrawals at Credit Union office	4,259
<b>Total</b>	<b>\$101,044</b>

#### Personal Purchases and Gift Card Purchases

AERC's debit card records show that Colonel Whittington used her debit card to make \$63,353 of purchases from April 2009 through May 2016 that included the following:

- household supplies (e.g., groceries, laundry detergent, and personal hygiene items);
- health and beauty items (e.g., body cream, lip gloss, nail polish, vitamins, probiotics, pain relievers);
- baby items (e.g., diapers, formula, rocker, clothes, toys, car seat);
- personal electronics (e.g., Kenwood car audio speakers, laser radar detector, Bluetooth wireless shower speakers);

- clothes (Columbia men's shirts, men's white socks, T-shirts, underwear, shoes);
- photography equipment/supplies (Nikon digital camera zoom lens, Adobe Photoshop software, silhouette cutting machine, photo albums, picture frames); and
- equipment/supplies for making graphic T-shirts (digital heat press machine, vinyl iron cutters, heat transfer vinyl sheets).

Colonel Whittington also used her debit card to purchase gift cards from vendors, including Walmart, Sam's Club, and Office Depot, totaling \$3,166. She stated that she purchased gift cards in October and December for use as door prizes at the AERC Halloween and Christmas parties. However, we found \$1,395 of gift cards were purchased outside of these months.

We discussed these purchases with Colonel Whittington, and she confirmed that she used her AERC debit card to make personal purchases but claimed to have made these purchases accidentally; she stated that she mistakenly used her AERC debit card rather than her personal debit card. Colonel Whittington later acknowledged that not all of the personal purchases were accidents and stated that she knowingly made personal purchases using her AERC debit card. She further stated that she reimbursed the AERC for the personal purchases she made through deposits into the AERC bank accounts; however, AERC bank statements and accounting records showed no deposits classified as reimbursements from Colonel Whittington. Colonel Whittington also indicated to us that she had a personal photography business and a personal graphic T-shirt business and that some of the photography-related purchases made with the AERC credit card were for her personal use.

#### ATM Withdrawals and Cash Back on Purchases

Colonel Whittington obtained cash from AERC by making Automated Teller Machine (ATM) withdrawals with her AERC debit card (\$27,057) and by receiving cash back on purchases made with her AERC debit card (\$4,980). AERC bank records show that Colonel Whittington made 90 ATM withdrawals totaling \$27,057 between April 2009 and March 2016. These ATM withdrawals typically ranged between \$100 and \$500. Store receipts for purchases made with her AERC debit card show that Colonel Whittington received \$4,980 of cash back on 56 purchases between October 2012 and May 2016. AERC records (which were Colonel Whittington's responsibility) contained no supporting documentation or explanation for the ATM withdrawals or the cash back from purchases, preventing us from determining if the cash was used for legitimate business purposes.

Colonel Whittington told us that she did not use her AERC debit card or the cash received from ATM withdrawals for personal purposes; however, she could not describe how she spent the cash except to say she purchased items needed by AERC and paid temporary employees in cash when needed. Colonel Whittington was able to provide the



names of two individuals that she claimed to have paid in cash, but she could not describe the circumstances that required the payment or the amount.

### Withdrawals at Credit Unions

We also identified \$13,073 of cash withdrawals from AERC bank accounts made at Credit Union offices between March 2009 and May 2016. Angola and Credit Union records show Colonel Whittington withdrew \$4,259, and Lieutenant Colonel Leonard withdrew \$350. Neither Angola nor the Credit Union could provide signed withdrawal records for the remaining \$8,464; therefore, we could not determine who made those withdrawals. In addition, AERC's records do not include any invoices or third-party records to explain the purpose of the \$13,073 in withdrawals made at the Credit Union offices. The accounting records indicate the withdrawals were either charged to a miscellaneous business expense account or were not recorded.

By using her control over the AERC account to purchase items that appear to be personal in nature and to withdraw cash without a documented business purpose, Colonel Whittington may have violated state law.<sup>2,5,7</sup>

### **AERC Rodeo Concession Sales Revenue Not Deposited**

**From April 2010 through October 2015, \$27,918 of the AERC's Angola Rodeo concession sales revenue was not deposited into the AERC's Credit Union account.**

Angola conducts the Angola Prison Rodeo in April and October of each year. AERC operates approximately 24 concession booths at these rodeos, where they sell food items such as jambalaya, hamburgers, and soft drinks for cash. At the end of each day, the concession booth workers complete a collection sheet to document the cash collected at their booth. Concession booth workers then bring their cash and collection sheet to the AERC's booth, where the money is counted again by a sorter. After the cash amount is counted and verified, the sorter places the cash in a lock box to which only Colonel Whittington and Lieutenant Colonel Leonard have keys. According to Lieutenant Colonel Leonard, the cash is deposited in the AERC's Credit Union account at a later date by Colonel Whittington.

A comparison of the concession revenue collection sheets to deposits in the AERC's Credit Union accounts for the period April 2010 through October 2015 shows that \$27,918 of concession sales revenue collected was not deposited into the AERC Credit Union account. According to one current and one former AERC board member and Angola employees, deposits of concession sales revenue would have been made by AERC Treasurer, Colonel Whittington, and/or AERC President, Lieutenant Colonel Leonard.

The AERC Rodeo deposit slips were not signed by the person who made the deposit; however, since all of the deposits contained cash exceeding \$10,000, the Credit Union had

currency transaction reports that identified the depositor. According to the Credit Union, the currency transaction reports list Colonel Whittington as the individual who made the deposits when \$22,158 (79%) of concession sales revenue were missing, and Lieutenant Colonel Leonard made the deposits in which \$1,265 (5%) of concession sales revenue were missing. The remaining \$4,495 of concession sales revenue that was collected, but not deposited, was missing from deposits that occurred between April 19, 2010 and April 18, 2011. We attempted to review the currency transaction reports for these deposits, but the bank could not provide the records for this time period. Because Colonel Whittington would not discuss the missing cash with us and Lieutenant Colonel Leonard said she never made deposits of concession revenue cash, and both had keys to the lock box where the concession sales revenue was stored, we could not determine who was responsible for not depositing the missing concession sales revenue.

### **Personal Purchases made from Angola Hook and Ladder Club Account**

**Angola Assistant Fire Chief Major Sidney Davis purchased questionable items totaling \$4,217 using an Angola Hook and Ladder Club debit card between May 2013 and May 2016. Major Davis told us that \$2,188 of the purchases were for his personal benefit. By using Hook and Ladder Club funds to make personal purchases, Major Davis may have violated Louisiana law.<sup>2,5,7</sup>**

The Hook and Ladder Club (club) is an informal employee club operated by the Angola Fire Department and has no charter documenting the purpose or responsibilities of the club. Credit Union records show that former Angola Fire Chief Charles Stewart opened an account for the club at the Credit Union on April 15, 2003. According to Major Davis, the club operates a booth at the Angola Rodeo where fire department volunteers and inmates sell cotton candy, popcorn, and other items. The club also rents stadium chairs for use at the Angola Rodeo. Major Davis stated that funds from the booth sales and the rental of stadium seats are deposited into the club account at the Credit Union and are used to purchase supplies for the fire department such as hats, gloves, and clothes.

Credit Union records show that between January 2013 and September 2016 \$47,647 was deposited into the club's account. Purchases made from the club account did not go through the Angola Business Office and were not approved by the Angola Purchasing Department. According to Angola Fire Chief Lieutenant Colonel Earl Calendar, Major Davis had authority to make purchases without his approval.

Credit union records show that Major Davis was issued a club debit card in 2011 and held this card through September 2016. We reviewed purchases made using Major Davis' debit card and determined that Major Davis purchased \$4,217 of items that are not consistent with his explanation of the typical use of club funds and appear to be personal in nature. The receipts and invoices Major Davis provided did not explain the business purpose of these purchases. Some of the questionable purchases we identified include:

- \$238 of Gillete razor blades;
- \$101 of alcoholic drinks;

- \$212 of Fitsover sunglasses;
- \$200 for two stealth game cameras;
- \$175 of tumblers;
- \$149 for a Block Rocker sound system;
- \$239 for a Vizio speaker; and
- \$137 for an air gun and ammunition.

We spoke to Major Davis concerning these and other purchases, and he told us that he made personal purchases with his club debit card. Based on his statements, these personal purchases totaled \$2,188 of the \$4,217 of questionable purchases we identified and included items such as razor blades, sunglasses, a Vizio speaker, Flonase nasal spray, two La-Z-Boy sofas, and some PayPal purchases. Major Davis claimed that he accidentally used the club debit card rather than his own card to make these purchases. Major Davis told us he reimbursed the club account \$1,400, and account bank statements confirm that he deposited \$1,400 into the club account on October 5, 2016.

Major Davis also claimed that the remaining \$2,029 of questionable purchases he made with the debit card had a business purpose. For example, he stated that he purchased the game cameras and installed them at the fire station to discover who was responsible for missing items around the fire station. He further stated that he purchased an air gun to shoot birds that entered the fire station because they were a nuisance. Major Davis also claimed that some purchases were made for the club booth at the Angola Rodeo. By purchasing personal items with club funds, Mr. Davis may have violated state law.<sup>2,5,7</sup>

### **Recommendations**

We recommend that management of the DOC and Angola should:

- (1) review DOC timekeeping policies and ensure employees are working approved schedules or using personal leave;
- (2) adjust employee leave balances for employees who worked on Warden Cain's property without taking leave;
- (3) review and modify system controls and backup procedures to ensure email is not deleted or destroyed;
- (4) adopt a policy to regulate the use of guest housing at Angola that includes reasonable charges for use of the guest housing and meals;

- (5) discontinue purchasing appliances and home furnishings for the Warden's home at Angola;
- (6) deposit all Rodeo Fund revenue with the Louisiana State Treasury;
- (7) refrain from spending Rodeo Fund proceeds until properly budgeted and authorized by the Louisiana Legislature; and
- (8) consult with legal counsel regarding the following:
  - a. recovery of the funds donated to the Angola Museum;
  - b. recovery of funds for improper usage of the Angola guest housing and meals;
  - c. recovery of funds for the work done to Warden Cain's iron gates;
  - d. improper purchases for the Warden's home at Angola; and
  - e. conditions for the continued use of state assets by AERC.

## LEGAL PROVISIONS

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<sup>1</sup> **Louisiana Revised Statute (La. R.S.) 14:138(A)** states, in part, “Public payroll fraud is committed when: (1) Any person shall knowingly receive any payment or compensation, or knowingly permit his name to be carried on any employment list or payroll for any payment or compensation from the state, for services not actually rendered by himself, or for services grossly inadequate for the payment or compensation received or to be received according to such employment list or payroll...”

<sup>2</sup> **La. R.S. 14:134 (A)** provides that “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; or (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.”

<sup>3</sup> **La. R.S. 44:36(A)** states, in part, that “A. All persons and public bodies having custody or control of any public record...shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However, in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made...”

<sup>4</sup> **Louisiana Constitution Article VII, Section 14(A)** provides, in part, that “Prohibited Uses. 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.”

<sup>5</sup> **La. R.S. 42:1461(A)** states, “Officials, whether elected or appointed and whether compensated or not, and employees of any ‘public entity,’ which, for purposes of this section shall mean and include any department, division, office, board, agency, commission, or other organizational unit of any of the three branches of state government or of any parish, municipality, school board or district, court of limited jurisdiction, or any other political subdivision or district, or the office of any sheriff, district attorney, coroner, or clerk of court, 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.”

<sup>6</sup> **Louisiana Travel Guide (PPM49)**, page 25, provides for maximum lodging rates per night in the Angola area at \$89. The guide also provides for a \$51 daily meal rate (per diem).

<sup>7</sup> **La. 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.”

<sup>8</sup> **La. R.S. 14:68(A)** states, “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. The fact that the movable so taken or used may be classified as an immovable, according to the law pertaining to civil matters, is immaterial.”

<sup>9</sup> **Louisiana Constitution Article VII, Section 9(A)** states that “All money received by the state or by any state board, agency, or commission shall be deposited immediately upon receipt in the state treasury, except that received: (1) as a result of grants or donations or other forms of assistance when the terms and conditions thereof or of

agreements pertaining thereto require otherwise; (2) by trade or professional associations; (3) by the employment security administration fund or its successor; (4) by retirement system funds; (5) by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce; and (6) by a state board, agency, or commission, but pledged by it in connection with the issuance of revenue bonds as provided in Paragraph (C) of Section 6 of this Article, other than any surplus as may be defined in the law authorizing such revenue bonds.”

<sup>10</sup> **La. R.S. 39:32 (L)** states, in part, that “(1)(a) Beginning with budget preparation for the Fiscal Year 2011-2012 budget, the division of administration shall develop a ‘cost recovery’ budget request form to be completed by each budget unit in the executive branch of state government, except those in higher education agencies in which case the Board of Regents shall develop such form. (b) Such form shall require the budget unit to: (i) List all fees authorized for collection by the budget unit that are requested to be appropriated in the General Appropriation Bill as part of the unit’s operating budget. (ii) Report the prior fiscal year’s actual revenue generated from fees as well as actual expenditures associated with providing the service or performing the activity; report the current fiscal year’s budget authority and anticipated expenditures; report the next fiscal year’s requested budget authority and projected expenditures. (iii) Provide a summary description of service or activity funded by the fee and the legal authority for the fee. (iv) Include performance indicator data associated with the service or activity. (v) Provide historical data on revenue generated and expenditures. (vi) Provide a recommendation on apportionment of funding between the state and the particular user group.”

## APPENDIX A

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### Management's Response





# Department of Public Safety & Corrections

State of Louisiana  
Office of Management and Finance

**JOHN BEL EDWARDS**  
Governor



**JAMES M. LE BLANC**  
Secretary

December 22, 2016

Daryl G. Purpera, CPA, CFE, Legislative Auditor  
Louisiana Legislative Auditor's Office  
P.O. Box 94397  
Baton Rouge, LA 70804-9397

Dear Mr. Purpera:

Please accept this as the Department of Public Safety and Corrections—Corrections Services' (DPS&C-CS) response to the recent investigative audit conducted at the Louisiana State Penitentiary (LSP). It should be noted that the Department has either already completed several initiatives to address the findings and recommendations noted in the report or is currently taking steps to address the findings and recommendations.

With regards to the recommendations contained in the report, the Department has the following responses:

**Recommendation 1:** Review Department of Public Safety and Corrections timekeeping policies and ensure employees are working approved schedules or using personal leave.

## **Management's Response:**

The Department will conduct a thorough review of its timekeeping policies and will through manager's and supervisor's efforts ensure that employees are working approved schedules. Specific to LSP, on January 20, 2016, the institution conducted timekeeper training to ensure the schedules worked are consistent with approved schedules and to stress the importance of each timekeeper to conduct audits correctly, to ensure they have all of the required signatures, and that time files are handed in on time. DPS&C-CS will expand this training to include the entire Department.

**Recommendation 2:** Adjust employee leave balances for employees that worked on Warden Cain's property without taking leave

**Management's Response:**

LSP has adjusted the leave balance of the two employees not named in the audit. With regards to Mr. Byrd, the audit report did not specify the amount of hours in question. As such, the Department is working with the Legislative Auditor's Investigative Audit Division to determine an appropriate amount of time to adjust Mr. Byrd's leave balance. The appropriate adjustments will be made and disciplinary action taken if warranted.

With regards to this recommendation, the Department has recently updated Departmental Regulation A-02-001 with the following section:

**"CONFLICT OF INTEREST**

Supervisors, managers and administrators are strongly encouraged to use wise judgment regarding the hiring or engagement of Department employees for personal projects outside of work. The Department cannot dictate what type of professional, skilled or handyman services; employees may perform or for whom on their personal time however; supervisors who employ or ask these services of staff members are strongly encouraged to stay clear of even the appearance of impropriety, coercion or conflict of interest when the person being hired or asked to perform such tasks is someone whom the supervisor is able to approve, deny or recommend any action regarding the person's employment.

The hiring or engagement of Department employees for personal projects outside of work shall have no impact on Department operations or the duties and responsibilities the employee is expected to perform."

**Recommendation 3:** Review and modify system controls and backup procedures to ensure email is not deleted or destroyed

**Management's Response:**

The Department is working with the Office of Information Technology (OTS) to ensure procedures are in place to ensure appropriate emails are not deleted or destroyed. The department has and will continue to work with the Division of Administration and OTS to procure funding so that the Department can be moved to the La.Gov system which has much tighter controls on emails. It should be noted that the retention of all public records, not just emails, is governed by Departmental Regulation A-01-009, "Records Management Program" and



Regulation A-05-010, "Electronically Stored Information and Data Preservation". The Department has recently undertaken a review of this policy and will make any necessary changes. The Department takes seriously any breach of these regulation and is actively investigating the circumstances surrounding the deletion of emails mentioned in the audit.

**Recommendation 4:** Adopt a policy to regulate the use of guest housing at Angola which includes reasonable charges for use of the guest housing and meals

**Management's Response:**

Effective May 9, 2016, LSP issued Warden's Directive 02.002/A, "State Owned Guest Housing" (attached) which regulates the use of guest housing at LSP. The directive outlines specific requirements and criteria that must be met in order for an employee or a volunteer to use guest housing at LSP. These requirements include on-call duty for employees and the provision of services that directly benefit the offender population for volunteers. In all cases, there must be a direct benefit to the institution for use of the housing. All requests must be in writing and must have the express approval of the Warden or his designee.

**Recommendation 5:** Discontinue purchasing appliances and home furnishings for the warden's home at Angola

**Management's Response:**

The purchases made for the warden's home at Angola were inappropriate and not sanctioned by any departmental policy. All appliances listed in the audit have been located and accounted for by LSP. Effective September 7, 2016, DPS&C-CS updated Departmental Regulation A-06-001, "Housing and Subsistence Perquisites" (attached) as follows:

- "D. Outside of standard routine maintenance and structural repairs, the Department will provide only for the built in appliances. Any and all furnishings and/or additional appliances shall be provided by the occupant."

These changes were made with the approval of the State Civil Service Commission at their September 7, 2016, business meeting.

**Recommendation 6:** Deposit all Rodeo Fund revenue with the Louisiana State Treasury**Management's Response:**

The Department has submitted a Budget Amendment (BA-7) to the Division of Administration and the Joint Legislative Committee on the Budget (JLCB) that requests the appropriation of the Rodeo Fund as Self-Generated Revenues to be used for the expenditures associated with the Angola Prison Rodeo and the programs supported by those revenues for the remainder of Fiscal Year 2017. The Department's goal is to have the BA-7 on the agenda of the January, 2017, JLCB meeting. Upon approval of the request, the Department and LSP will deposit all Rodeo Revenue with the State Treasury.

**Recommendation 7:** Refrain from spending Rodeo Fund proceeds until properly budgeted and authorized by the Louisiana Legislature**Management's Response:**

Pursuant to Recommendation 6, the Department will not spend any Rodeo Funds until authorized by the Louisiana Legislature. The Department will also request the Self-Generated Revenues to be used for the expenditures associated with the Angola Prison Rodeo and the programs supported by those revenues for Fiscal Year 2018 as part of the Departments Fiscal Year 2018 operating budget.

**Recommendation 8:** Consult with legal counsel regarding the following:

- a. recovery of the funds donated to the Angola Museum;
- b. recovery of funds for improper usage of the Angola guest housing and meals;
- c. recovery of funds for the work done to Warden Cain's iron gates;
- d. improper purchases for the warden's home at Angola; and
- e. conditions for the continued use of state assets by the Angola Employees Recreation Committee

**Management's Response:**

- A. Recovery of the funds donated to the Angola Museum: Upon approval of the Undersecretary on June 10, 2016, (attached) the bus was returned to LSP and added to their fleet inventory with the appropriate offset of another vehicle.
- B. Recovery of funds for improper usage of the Angola guest housing and meals: The Department has met with legal counsel and determined that provisions of lodging and meals to Warden Cain's immediate family, most notably during holidays, is a violation of La. R.S. 42:1461. As the statute states, the



responsibility "...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," is that of the employee. The Department has determined that former Warden N. Burl Cain is personally liable for the monetary equivalent of the guest housing and meals. As such the Department shall attempt to recoup the value of the items given by former Warden Cain through:

1. Restitution imposed if any criminal proceedings are brought against former Warden Cain and,
2. Civil suit for damages brought by the Department against former Warden Cain should normal attempts to recoup the funds are unsuccessful.

C. Recovery of funds for the work done to Warden Cain's iron gates: The Department has met with legal counsel and determined that the use of inmate labor without a hobby craft agreement or contract with Prison Enterprises is a violation of Departmental Regulations and/or a violation of La. R.S. 42:1461. As such, former Warden Cain is liable for the cost of labor used to sandblast and powder coat the iron gates of his private residence. The Department shall attempt to recoup the value of the labor through:

1. Restitution imposed if any criminal proceedings are brought against former Warden Cain and,
2. Civil suit for damages brought by the Department against former Warden Cain should normal attempts to recoup the funds are unsuccessful.

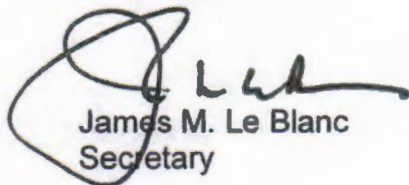
D. Improper purchases for the warden's home at Angola: As stated in the response to Recommendation 5, purchases made for the warden's home at Angola were inappropriate and not sanctioned by any departmental policy. All appliances listed in the audit have been located and accounted for by LSP. Furthermore, effective September 7, 2016, DPS&C-CS updated Departmental Regulation A-06-001, "Housing and Subsistence Perquisites" to clarify the Department will not provide for appliances or furnishings for employee housing.

E. Conditions for the continued use of state assets by the Angola Employees Recreation Committee: The Department is coordinating with the Committee to develop a Cooperative Endeavor Agreement that will outline the requirements for the Committee and its members to have continued access to recreational buildings and grounds at LSP. The agreement will also address liability, appropriate use of state assets, and the ability for the committee to generate revenue for its activities.

Additionally, with regards to the misuse of funds of the Angola Employees Recreation Committee (AERC) and the Hook and Ladder organization, the Department has conducted its own internal audits and investigations. In the case of AERC funds, the audits and investigations are complete and have been referred to the appropriate authorities. In the case of the Hook and Ladder funds, the investigation is still ongoing and will be referred to the appropriate authorities upon completion.

In closing, the Department appreciates the efforts of you and your staff. I would like to thank you for the professionalism demonstrated by your staff and the thoroughness of their audit.

Sincerely,



James M. Le Blanc  
Secretary

JML/tcb

C: Roger Harris

Attachments:

1. LSP Warden's Directive 02.002/A, "State Owned Guest Housing"
2. DPS&C-CS updated Departmental Regulation A-06-001, "Housing and Subsistence Perquisites"
3. Request to Return 2015 Ameritrans E285 Bus to the Fleet of LSP



**STATE OF LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
CORRECTIONS SERVICES**

**Department Regulation  
No. A-06-001**



**07 September 2016**

**ADMINISTRATIVE  
Employee Related Guidelines  
Housing and Subsistence Perquisites**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36, La. R.S. 39:78 and Civil Service Commission approval.
2. **REFERENCES:** Division of Administration's Policy and Procedure Memoranda No. 73; Civil Service Rules 1.9.02, 6.13(a), 6.3.1 and La. R.S. 15:834.1.
3. **PURPOSE:** The purpose of this regulation is to establish the Secretary's policy regarding state-owned housing, including assignment, rates, repairs and maintenance, subsistence maintenance and the eligibility for those entitled to such assignments.
4. **APPLICABILITY:** Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary, Regional Wardens, Wardens, Deputy Wardens, Assistant Wardens and all other personnel residing in state-owned housing. Each Warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.
5. **POLICY:** It is the Secretary's policy that each Warden shall define, based upon the availability of housing and the unique needs of each institution, which staff shall be required to occupy state housing and be available for duty to promote safe, stable and effective operations on a 24-hour basis. Such assignments shall include, but not be limited to, ranking administrative and security staff, maintenance staff, medical/mental health staff, tactical and chase teams and an adequate number of CSO's to maintain a ready reserve force. Such housing should be provided rent-free.
6. **PROCEDURES:**
  - A. A record shall be established on each residence indicating the number and relationship of all occupants reported on the housing survey report or upon assignment.
  - B. Where necessary and applicable, waiting lists for housing shall be maintained by the institution.
  - C. Revocation of housing assignments will be made by the Warden when necessary. Circumstances warranting revocation of assignment include, but are not necessarily limited to, the following:

- 1) The Warden reserves the option to review housing/trailer assignments at any time to adjust priority housing assignments or cancel assignment when it is in the best interest of the institution or the Department;
  - 2) Employees and their families who do not conform to the rules and regulations of the Department and the laws of the state of Louisiana and whose conduct is not in keeping with the best interest of the institution or the Department;
  - 3) Violation of health and safety standards.
- D. Outside of standard routine maintenance and structural repairs, the Department will provide only for the built in appliances. Any and all furnishings and/or additional appliances shall be provided by the occupant.
- E. The occupant is responsible for the timely reporting of needed repairs and maintenance. Institutions shall be responsible for maintaining records on repairs, maintenance and the cost associated therewith.
- F. The unit's Business Office shall report all changes to occupancy or value of state housing to the unit's Human Resources office. The biweekly value of housing shall be entered on the employee's record as a non-taxable, non-cash fringe benefit in the payroll system and shall be reported as required by PPM 73.

#### **7. HOUSING ALLOWANCES:**

Where state-owned housing is not available for Wardens, Deputy Wardens or Assistant Wardens, housing allowances shall be paid bi-weekly at the following rate provided that the employee lives within a 50-mile radius of the institution:

Wardens	\$185.00
Deputy Wardens	\$162.00
Assistant Wardens	\$139.00

At any time, in the event that a state-owned house is made available and offered to an employee in the above positions and the employee chooses not to live in the house, the housing allowance shall be disallowed.

#### **8. SUBSISTENCE ALLOWANCES:**

- A. Effective July 1, 1996, payment of the subsistence allowance is discontinued except for those employees who occupied the above referenced positions on June 30, 1996 on a detail to special duty or on a permanently assigned basis.

For these employees, subsistence allowances shall be paid on a bi-weekly basis according to the following schedule:




Wardens	\$185.00
Deputy Wardens	\$123.00
Assistant Wardens	\$62.00

- B. Any employee who is detailed to one of these positions on June 30, 1996 and subsequently becomes permanent in one of these positions retains eligibility for subsistence allowance.
- C. Any employee who is permanently assigned to one of these positions and who subsequently participates in the Senior Executive Loan Program retains future eligibility for that subsistence amount previously earned (if applicable) upon termination of program participation.

Wardens may submit requests for adjustment(s) to these allowances to the Secretary for consideration and processing as appropriate and required by Civil Service Rules.

s/James M. Le Blanc  
Secretary

This regulation supersedes Department Regulation No. A-06-001 dated 22 April 2016.

<b>May 9, 2016</b>  <b>LOUISIANA STATE PENITENTIARY</b>	<b>CHAPTER:</b> <b>FISCAL MANAGEMENT</b>	<b>DIRECTIVE NO.</b>  <b>02.002/A</b>
	<b>SUBJECT:</b> <b>STATE OWNED GUEST HOUSING</b>	<b>ACA STANDARD:</b>
	<b>REFERENCE:</b>	

**PURPOSE:** To define policy relating to state-owned guest houses and guest BOQ rooms and eligibility for assignments for overnight accommodations.

**APPLICABILITY:** All Louisiana State Penitentiary employees and volunteers.

**POLICY:** It is the policy of Louisiana State Penitentiary to define based upon the availability of guest cottages and guest BOQ rooms and the unique needs of the institution, who shall be allowed to occupy the guest cottages and guest BOQ rooms for overnight accommodations. Such assignments shall include, but not be limited to, staff who provide on call duty and volunteers who provide services to benefit the needs of the offender population.

**PROCEDURE:**

**A. ELIGIBILITY**

1. Employees who are assigned duty that requires overnight accommodations.
2. Volunteers who provide services to benefit the needs of the offender population.
3. In cases of institutional emergency and/or institutional need.

**B. PURPOSE/REQUIREMENTS**

1. The request for accommodations must be submitted to the Warden's Office for approval or denial. The request must be completed on Attachment 02.002/A form. It must include the names of the persons requesting housing accommodations, the dates of housing accommodations, the purpose of the visit to LSP (i.e. service/value to the institution) and the requestor's address and telephone number.
2. If approved, the person(s) or their designee approved for overnight accommodations must report to the Warden's Office to retrieve they key for their housing location and sign and document in the logbook maintained in the Warden's Office their name, address, telephone number, purpose of accommodations, and dates of overnight accommodations.

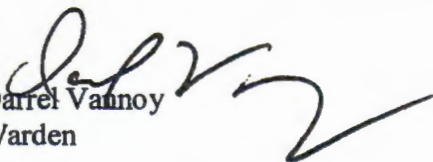
3. Upon the end of the overnight accommodations, the person(s) or their designee must return the key to the Warden's Office and sign out in the logbook maintained in the Warden's Office.

C. CANCELLATION OF ASSIGNMENT

1. LSP may cancel the overnight accommodation for failure to comply with rules and regulations of the institution.
2. LSP may cancel the overnight accommodation in case of institutional emergency.

D. HOLD HARMLESS

1. LSP shall not be liable for injury or damages to the person or property of the occupant however caused or arising, except by the direct negligence of LSP.

  
Darrel Vannoy  
Warden

Attachment:      Form: 02.002/A      Request for Overnight State Housing Accommodation

**REQUEST FOR OVERNIGHT STATE HOUSING ACCOMMODATION**

Names of Persons Requesting Overnight State Housing Accommodation:	

Dates of Housing Accommodation:	
Date/Time of Arrival:	Date/Time of Departure:

Purpose of Visit: (Service/Value to the Institution):

Requestor's Information:	
Address:	Telephone Number:

Approval/Denial:	
_____ Approved	_____ Denied
_____ Initials of Person of Approval/Denial	



Department of Public Safety & Corrections  
State of Louisiana  
Louisiana State Penitentiary

JOHN BEL EDWARDS  
GOVERNOR



*wd. Dodd  
p.g. proceed  
with [unclear]  
Thabaz  
or*  
JAMES M. BLANC  
SECRETARY

May 17, 2016

TO: Thomas C. Bickham, III  
Undersecretary

FROM: Darrel Vannoy  
Warden

RE: 2015 Ameritrans E285 Bus

We are requesting approval to receive a donated 2015 Ameritrans E285 Bus from the Louisiana State Penitentiary Museum Foundation, Inc. This vehicle was purchased in April 2015 for \$61,893.

The vehicle will be used by Louisiana State Penitentiary for prison tours, staff travel to conferences and conventions, and as a visiting bus. We will turn in a 1972 Fire Truck, Unit #97, from our fleet in order to accept this much needed vehicle.

Our automotive technicians have checked this vehicle thoroughly and it is in excellent condition.

We would appreciate your approval of this donation.

Sincerely,

*[Signature]*  
Darrel Vannoy  
Warden

*Approved  
Thomas Bickham  
6-10-16*

*RR16*

STATE OF LOUISIANA

PARISH OF WEST FELICIANA

ACT OF DONATION INTER VIVOS

BE IT KNOWN, that on this 20<sup>th</sup> day of April, 2016, the LOUISIANA STATE PENITENTIARY MUSEUM FOUNDATION, INC., (donor) Post Office Box 1, Angola, LA 70712, represented herein by Sheryl M. Ranatza, President of the Board of Directors of the Louisiana State Penitentiary Museum Foundation, Inc., and as authorized by the Executive Committee, hereby transfers ownership, irrevocably gives, alienates and donates inter vivos to the Louisiana State Penitentiary (donee), the following described property:

**2015 Ameritrans E285 Bus, VIN #1FDXE4FS9EDA**

To have and to hold the said property unto the said donee, its successors and assigned forever.

Louisiana State Penitentiary, represented herein by L. Bruce Dodd, Deputy Warden, does hereby acknowledge to have received from the donor the property above described, and declares that he accepts the donation for and on behalf of the Louisiana State Penitentiary, its successors and assigned forever.

The property hereby donated is estimated by the donor to be the value of \$61,893. As donor of the aforementioned property, donor understands that the value placed on the property and proof thereof is donor's sole responsibility.

THUS DONE AND SIGNED in triplicate, this 20<sup>th</sup> day of April, 2016, at West Feliciana Parish, Louisiana.

WITNESS:

Cecile B McComas

[Signature]

Sheryl M Ranatza 4/20/16  
DONOR (DATE)  
Louisiana State Penitentiary  
Museum Foundation, Inc.  
Represented by: Sheryl M. Ranatza  
President, Board of Directors

Accepted by: [Signature] 4/21/16  
Louisiana State Penitentiary (Date)  
Represented by: L. Bruce Dodd  
Deputy Warden



## LOUISIANA DEPARTMENT OF PUBLIC SAFETY &amp; CORRECTIONS

## OFFICE OF MOTOR VEHICLES

VEH-5

## APPLICATION FOR FREE PLATE FOR PUBLIC AGENCY

NAME OF PUBLIC BODY

*Louisiana State Penitentiary*

ADDRESS OF PUBLIC BODY (STREET ADDRESS, CITY, ZIP CODE)

*17544 Tunica Trace, Angola, La 70712*

PARISH OF

*WFP*

VEHICLE OWNED BY

☐ CITY☐ PARISH☒ STATE

LICENSE PLATE REQUESTED FOR VEHICLE DESCRIBED BELOW:

MAKE

*Ford*

YEAR

*2014*

VEHICLE IDENTIFICATION NUMBER

*1FDXE4F59EDA86758*

## CHECK PROPER BLOCK

- ☒ **PUBLIC PLATE** - Vehicle will be used by said public body exclusively for official business.
- ☐ **PRIVATE PLATE** - Vehicle will be used by said public body in crime prevention and detection and similar work.
- ☐ **OFF-ROAD VEHICLE DECAL** - Vehicle will be used by said public body for official business or in crime prevention and detection and similar work.
- ☐ **PUBLIC PLATE FOR MOBILITY IMPAIRED INDIVIDUAL** - Vehicle will be used by said public body exclusively for official business. (Must either submit a currently dated physician's certification-form DPSMV 1966 - and a letter from head of public body attesting that the person named on the form will be transported by or driving vehicle OR submit a letter from head of public body attesting that the vehicle is routinely used to transport mobility impaired individuals.)

In the event ownership of vehicle changes or vehicle is used for other than public purposes, the license plate and registration certificate must be returned to the Office of Motor Vehicles for cancellation.

SIGNATURE-TITLE

*Jaeger M. Lee Adm Director*

DATE

*7/21/2016*

DPSMV 1631 (R 4/04)

# STATE OF LOUISIANA

## CERTIFICATE OF TITLE

VIN 1FDXE4FS9EDA86758				TITLE NUMBER 87472897		DATE ISSUED 07/21/2016	
MAKE FORD	MODEL	BODY BU	COLOR WHI/	YR 2014	DATE ACQUIRED 04/20/2016	ODOMETER 5002	N/U U

\* \* MAIL TO \* \*

LOUISIANA STATE PENITENTIARY

17544 TUNICA TRACE  
ANGOLA LA 70712

\* \* OWNER \* \*

LOUISIANA STATE PENITENTIARY

17544 TUNICA TRACE  
ANGOLA LA 70712

(LIEN)

DATE

First Lien Released \_\_\_\_\_ Date \_\_\_\_\_

Lienholder

By \_\_\_\_\_ Authorized Representative

Second Lien Released \_\_\_\_\_ Date \_\_\_\_\_

Lienholder

By \_\_\_\_\_ Authorized Representative

The undersigned as Vehicle Commissioner of the State of Louisiana, certifies that the applicant named herein has been duly registered in this office as owner of the motor vehicle described, pursuant to the laws of the State of Louisiana, subject to the mortgages and encumbrances, if any, herein set forth.

In witness whereof, I have affixed my signature at Baton Rouge,

*Karey L. St. Germain*



FORM

1562

A 1562

39289342

DPSMV 1663 (R7/07)

ANY ALTERATION OR ERASURE VOIDS THIS DOCUMENT.

KEEP IN SAFE PLACE



## APPENDIX B

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### Other Responses



LOUISIANA STATE PENITENTIARY MUSEUM FOUNDATION  
Post Office Box 1  
Angola, Louisiana 70712

December 12, 2016

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

Re: Audit Report - Louisiana State Penitentiary  
Louisiana State Penitentiary Museum Foundation

Dear Mr. Purpera,

The Executive Committee of Louisiana State Penitentiary Museum Foundation's Board of Directors has reviewed the draft report regarding the bus donation from the Angola Rodeo Fund to the Museum Foundation.

At its March 2016 meeting, the Foundation's Executive Committee discussed the possible finding by the legislative auditor and voted to reverse the transaction. The bus was returned to the Angola rodeo fund.

Sincerely,



Digitally signed by SRANATZA  
Date: 2016.12.20 15:32:01  
-06'00'

Sheryl M. Ranatza  
Board Chair  
Louisiana State Penitentiary Museum Foundation

Angola Museum

P. 225.655.2592 W. [www.angolamuseum.org](http://www.angolamuseum.org)

Louisiana State Penitentiary Museum Foundation  
Board of Directors  
Executive Committee Meeting Notes  
March 24, 2016

An Executive Committee Meeting was conducted via telephone conference at 3:00 pm on Thursday, March 24, 2016. Participating in the meeting:

Sheryl Ranatza, President  
Dr. Huey Perry, Vice-President  
Ronnie Jett, Treasurer  
Dr. Marianne Giorlando, Chair-Education Committee

Absent: Michael Wynne, Secretary

Items discussed:

- **Upcoming Legislative Auditor Finding:** Ms. Ranatza relayed her telephone conversation with Warden Dodd that occurred on March 23, 2016. Warden Dodd advised that the Investigator with the Legislative Auditor's office has advised Angola that the bus donation from the Rodeo Fund to the Museum Foundation did not meet the definition of donation. Warden Dodd explained that since LSP still retained 50% use of the bus, the transaction was not a donation. The transaction will be noted as a finding in an upcoming legislative auditor report. The auditor's recommendation will be that the Museum Foundation return the bus to the Angola Rodeo Fund. Warden Dodd did indicate that the auditor requested no action be taken by the Museum Foundation or Angola Rodeo Fund until the legislative auditor's report has been released. He further advised that once the bus is returned, the Museum Foundation will still be allowed use of the bus.
- **Reversing the Transaction:** After discussion, it was the unanimous consensus of the Executive Committee participating in this meeting to reverse the donation and return the bus to the Angola Rodeo Fund. Ms. Ranatza advised that she instructed Ms. Lindsey to check on the insurance premium which was due on April 15, 2016 and to cancel the insurance once the bus and title were formally returned to the Angola Rodeo Fund.
- **Hall of Fame:** Dr. Perry will advise Donna Britt of the August 19<sup>th</sup> date and ask that she mark her calendar. Ms. Ranatza has asked Secretary LeBlanc to invite Governor Edwards to make remarks at the event.
- **Financial Controls:** At the recent March 18<sup>th</sup> Board meeting, the board voted to authorize policy revisions to procurement and cash handling policies. The Executive Committee determined that the following revisions be made:
  - Purchasing authority will remain at \$1,000, but in accordance with existing policy, prior approval is required by the President and/or Treasurer in advance of the purchase. There is to be no exception for rodeo stock purchases. This provision may be re-considered at such time as the point of sale inventory system is operational.

- 2 signatures will be required on any purchase over \$2,500
- In accordance with existing policy, bids are required on any purchase in excess of \$1,000.
- Existing policy requires prior approval of the Executive Committee for any purchase in excess of \$1,000.00. Policy will be revised to allow for electronic (e-mail) approval and that a majority is required for approval of the purchase.
- Dr. Giorlando will prepare a list of items to purchase with Pennington Foundation grant funds, along with an estimated cost of each item. This list will be submitted electronically to the Executive Committee for blanket approval. This measure was taken so as to expedite the purchase of items that can be included in the six month report to the Pennington Foundation.

There being no further business to discuss, the meeting adjourned at approximately 3:30 pm.

###



STATE OF LOUISIANA

PARISH OF WEST FELICIANA

ACT OF DONATION INTER VIVOS

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**2015 Ameritrans E285 Bus, VIN #1FDXE4FS9EDA**

To have and to hold the said property unto the said donee, its successors and assigned forever.

Louisiana State Penitentiary, represented herein by L. Bruce Dodd, Deputy Warden, does hereby acknowledge to have received from the donor the property above described, and declares that he accepts the donation for and on behalf of the Louisiana State Penitentiary, its successors and assigned forever.

The property hereby donated is estimated by the donor to be the value of \$61,893. As donor of the aforementioned property, donor understands that the value placed on the property and proof thereof is donor's sole responsibility.

THUS DONE AND SIGNED in triplicate, this 20<sup>th</sup> day of April, 2016, at West Feliciana Parish, Louisiana.

WITNESS:

Cecile B. McComas

[Signature]

Sheryl M. Ranatza 4/20/16  
DONOR (DATE)  
Louisiana State Penitentiary  
Museum Foundation, Inc.  
Represented by: Sheryl M. Ranatza  
President, Board of Directors

Accepted by:

[Signature] 4/20/16  
Louisiana State Penitentiary (Date)  
Represented by: L. Bruce Dodd  
Deputy Warden

File

Department of Public Safety & Corrections  
State of Louisiana  
Louisiana State Penitentiary

JOHN BEL EDWARDS  
Governor



JAMES M. LE BLANC  
Secretary

RECEIVED

JUN 20 2016

May 17, 2016

TO: Thomas C. Bickham, III  
Undersecretary

WARDEN'S OFFICE

FROM: Darrel Vannoy  
Warden

✓  
TAB

RE: 2015 Ameritrans E285 Bus

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The vehicle will be used by Louisiana State Penitentiary for prison tours, staff travel to conferences and conventions, and as a visiting bus. We will turn in a 1972 Fire Truck, Unit #97, from our fleet in order to accept this much needed vehicle.

Our automotive technicians have checked this vehicle thoroughly and it is in excellent condition.

We would appreciate your approval of this donation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darrel Vannoy".

Darrel Vannoy  
Warden



# HYMEL DAVIS & PETERSEN, LLC

ATTORNEYS AND COUNSELORS AT LAW  
10602 COURSEY BOULEVARD  
BATON ROUGE, LOUISIANA 70816

**L. J. HYMEL**

ljhymel@hymeldavis.com

INTERNET [www.hymeldavis.com](http://www.hymeldavis.com)

TELEPHONE: (225) 298-8118

FACSIMILE: (225) 298-8119

December 21, 2016

Roger W. Harris, J.D., CCEP  
Assistant Legislative Auditor and  
Director of Investigative Audit  
1600 North Third Street  
P. O. Box 94397  
Baton Rouge, LA 70804-9397

RE: Draft Report  
LA State Penitentiary at Angola  
Department of Public Safety and Corrections  
Former Angola Warden Burl Cain

Dear Mr. Harris:

On behalf of my client, Warden Burl Cain, thank you for providing me with a copy of the referenced draft report and the opportunity to respond prior to its public release. I believe that many of the report's findings of fact and legal conclusions are in error and will attempt herein to point out a few of those for your consideration.

The first section of the draft report states that Department "... employees appear to have worked on Warden Cain's personal residence in Baton Rouge, Louisiana without taking leave ..." As indicated in your report, Maintenance Director Timothy Byrd was the person who supervised and directed the employees that your office interviewed. Warden Cain would not have been privy to those conversations. Mr. Byrd and those employees are in the best position to determine whether leave was taken and properly documented pursuant to Department rules and regulations. Although every employees' regularly scheduled work day is usually from 8:00 a.m. to 4:30 p.m., it is submitted that these employees would have worked their required eight hours per day outside that time period even though it might not have been properly documented. If there is an irregularity here, it would be in the neglected paperwork of each employee. Quoting from the Department's own internal investigation, this past Sunday's The Advocate, wrote, in part, "... a probe into work done on Cain's home by correctional employees



came back clean. Investigators found that all of the employees had been off the clock and that Cain had paid them . . .”

The next section of the report pertains to lodging and meals provided to members of Warden Cain’s family. As noted, most, if not all, of these occasions occurred during the Thanksgiving and Christmas holidays. Angola is a maximum-security prison. An experienced correctional officer will tell you that during the holidays the spirits of inmates are at an all-time low and inmate depression is common. This is a not a time when the Warden of such an institution should take leave to be with his family. Therefore, during the holidays, Warden Cain’s family visited him in lieu of his leaving the penitentiary. Additionally, as noted in the report, Warden Cain’s two sons, Nathan and Marshall, worked for the Department of Corrections during the period covered by the audit. Marshall, as overseer for Prison Enterprises’ livestock and farming operations at Angola and other Department of Corrections’ prisons, used these opportunities to review the livestock and farming operations at Angola. Nathan, as Warden of the Department penitentiary in Avoyelles Parish, used these visits to Angola to review and compare procedures and policies at Angola versus those at his Avoyelles facility. Moreover, Nathan lived in a residence provided for him by the State at his facility in Avoyelles Parish. Finally, both Nathan and Amanda, who worked at the Department’s Hunt facility, were provided with and lived in “state houses” at their respective prisons. And, remember, it is the Angola Warden who has the authority to assign all of the prison living facilities, including assignment of employee housing on the B-line as well as the guest houses.

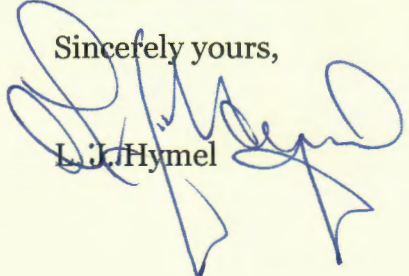
The third section of the draft report concerns Prison Enterprises’ work on an iron gate removed from Warden Cain’s personal residence. Although the report states that the sand blasting and powder coating would have cost approximately \$1,100 to have it done commercially, we take issue with that figure. The materials to complete the gate work included the blasting sand and the powder coating which, in this instance, cost less than \$40. Based on conversations with Prison Enterprises’ staff members, the entire cost for each gate, at today’s rates, would be approximately \$60 per gate with the actual work being performed by Angola inmates. As stated in your report, “. . .(p)ursuant to DOC policy and state law, Prison Enterprises sells products and services to state agencies, private entities, non-profit organizations, and **public employees . . .**” (Emphasis ours). Moreover, prior to Warden Cain leaving Angola on January 1, 2016, he attempted on two occasions to pay for anything that he might have owed the penitentiary, the State, the Department of Corrections or Prison Enterprises. In fact, he sent a \$250 money order to the Department on two separate occasions to cover any possible outstanding obligations; and, on each occasion, the money order was never negotiated. I attach hereto a copy of said money order as attachment 1 and a copy of the cover letter as attachment 2. As stated in Warden Cain’s cover letter, he was also prepared to pay any amount over the \$250. And, if nothing was owed, he instructed the Department to place the \$250 in the Inmate Welfare Fund as a donation.

Roger W. Harris, J.D., CCEP  
December 21, 2016  
Page 3

The last section of your draft report addresses the purchase of furnishings and appliances for the Warden's house located on penitentiary grounds. The rationale of providing a residence for the Warden on site is to have him present 24 hours a day, 7 days a week in the event of an emergency. Your report listed 11 separate items purchased for the Warden's house. There are no allegations in your report that any of these items are missing. In fact, all of those items are present and accounted for at the penitentiary. Both Assistant Warden Bruce Dodd (who is an attorney) and Angola Finance Director Gayle McGee provided you with statements that they were not aware of any policy governing what can and cannot be purchased for the Warden's house. As an aside, Warden Cain spent more than \$3,000 of his personal funds for marble tile that was installed in the Warden's house. See invoices attached hereto as attachment 3. That marble tile remains there today.

Again, thank you for allowing me to respond to your draft report. If you have any questions or need further clarification, please contact me at your leisure.

Sincerely yours,



L.J. Hymel

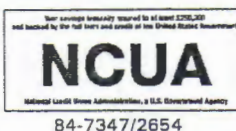
LJH/jsb  
Enclosures



**DEPARTMENT OF CORRECTIONS CREDIT UNION**

P.O. BOX 4789, BATON ROUGE, LA 70821-4789  
www.dccu.org • 1-855-447-0417 • (225) 342-6618

NOT FOR PROFIT NOT FOR CHARITY BUT FOR SERVICE



424451

DATE 6/24/16

VOID AFTER 90 DAYS

PAY \*\*\*\*\* TWO HUNDRED FIFTY DOLLARS AND NO CENTS \*\*\*\*\*

PAY TO THE ORDER OF AMOUNT \*\*\*\*\*250.00\*\*

ANGOLA BUSINESS OFFICE

Money Order

AUTHORIZED SIGNATURE

\*\*\*NOT VALID IF OVER \$500.00\*\*\*

PURCHASER  
ADDRESS



NAME	BURL CAIN	DATE	6/24/16	CHECK NUMBER	424451
DEBITS	CREDITS	ACCOUNT NUMBER	TRANSACTION DESCRIPTION		
250.00	250.00		CHECK AMOUNT DISBURSED MO-REP STALE MO#		

Money Order

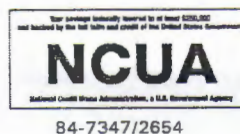
ACCOUNT NUMBER	ACCOUNT BALANCE	ADDITIONAL INFORMATION
	3,009.39	TELLER-13 / TRANSACTION CODE-13 Department of Corrections Credit Union PO BOX 4789 Baton Rouge, LA 70821-4789

DEPARTMENT OF CORRECTIONS CREDIT UNION BATON ROUGE, LA 70804-9304

**DEPARTMENT OF CORRECTIONS CREDIT UNION**

P.O. BOX 4789, BATON ROUGE, LA 70821-4789  
www.dccu.org • 1-855-447-0417 • (225) 342-6618

TELLER-13 / TRANSACTION CODE-13



424451

DATE 6/24/16

PAY \*\*\*\*\* TWO HUNDRED FIFTY DOLLARS AND NO CENTS \*\*\*\*\*

Money Order

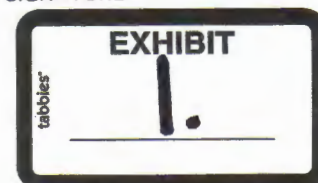
AMOUNT \*\*\*\*\*250.00\*\*

PAY TO THE ORDER OF  
ANGOLA BUSINESS OFFICE

NON NEGOTIABLE

AUTHORIZED SIGNATURE

BURL CAIN



June 24, 2016

Warden Bruce Dodd,

It was brought to my attention on Thursday, June 23, 2016 by Ms. Pat Duhe, Accountant, at Department of Corrections Credit Union, that there was a money order that I purchased on December 21, 2015 from the Credit Union that had not cleared my account. The money order, in the amount of \$250.00, was to cover any incidental and outstanding expenses, overlooked debts, supplies, or property, which I may have incurred while with Angola State Penitentiary. The copy of the money order I received from Ms. Pat Duhe is attached for your reference.

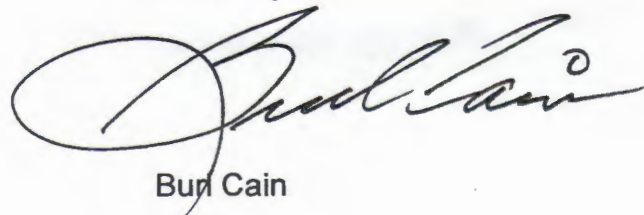
Ms. Duhe contacted Angola State Penitentiary on Thursday, June 23, 2016 to inquire about the whereabouts of the money order. She was told she would receive a return call. To date, we have not received a response.

Please find attached another money order, in lieu of the aforementioned money order. I would ask that you apply this to any incidental or outstanding expenses I may have with your facility; which was the original intent of the first money order (dated December 21, 2015).

In the event the \$250.00 is not sufficient to cover any outstanding debts, please contact me at your earliest convenience so that I may rectify this matter.

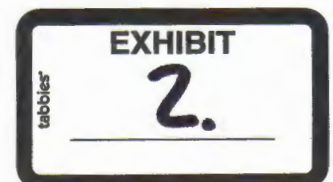
If there are no outstanding debts, please apply this amount to the Inmate Welfare Fund as a donation. I appreciate your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Burl Cain", with a large, stylized initial "B".

Burl Cain

Cc: P. Duhe



# GEORGE DAHER LLC

dba DAHER DESIGN  
37053 PERKINS RD  
PRAIRIEVILLE, LA 70769  
P: 225-673-5400 - F: 225-313-6684  
www.daherdesign.com

**PAID**  
04/25/2011

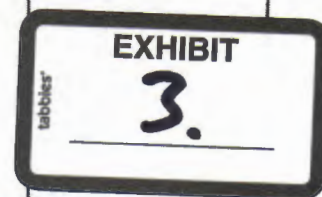
Burl CAIN  
POBox 68  
Angola, LA 70712

## INVOICE

Date	Invoice #
4/15/2011	1835

DESCRIPTION	QTY	RATE	AMOUNT
Labor for tile and grout Counter top in the kitchen Bar with demi bull edge Vanity (upstairs) Marble 12x12	1	1,600.00	1,600.00
Install and grout backsplash with the material Tumbled marble 4x4	1	785.00	785.00
Special discount 30%		-715.50	-715.50
		<b>TOTAL</b>	\$1,669.50
		<b>Payments/Credits</b>	-\$1,669.50
		<b>Balance Due</b>	\$0.00

\*ALL BALANCES ARE DUE UPON COMPLETION OF JOB. 18% APR ADDITIONAL FEE IF NOT PAID IN 10 DAYS AND YOUR ACCOUNT WILL BE REFERRED TO AN ATTORNEYS FIRM AT YOUR EXPENSES





# GEORGE DAHER LLC

dba DAHER DESIGN  
37053 PERKINS RD  
PRAIRIEVILLE, LA 70769  
P: 225-673-5400 - F: 225-313-6684  
www.daherdesign.com

**PAID**  
04/01/2011

Burl CAIN  
POBox 68  
Angola, LA 70712

## INVOICE

Date	Invoice #
4/1/2011	1831

DESCRIPTION	QTY	RATE	AMOUNT
Marble Oasis Green 220 sft / 12x12	1	1,800.00	1,800.00
<b>*ALL BALANCES ARE DUE UPON COMPLETION OF JOB. 18% APR ADDITIONAL FEE IF NOT PAID IN 10 DAYS AND YOUR ACCOUNT WILL BE REFERRED TO AN ATTORNEYS FIRM AT YOUR EXPENSES</b>		<b>TOTAL</b>	\$1,800.00
		<b>Payments/Credits</b>	-\$1,800.00
		<b>Balance Due</b>	\$0.00

# HYMEL DAVIS & PETERSEN, LLC

ATTORNEYS AND COUNSELORS AT LAW  
10602 COURSEY BOULEVARD  
BATON ROUGE, LOUISIANA 70816

L. J. HYMEL

ljhymel@hymeldavis.com

INTERNET WWW.HYMELDAVIS.COM

TELEPHONE: (225) 298-8118

FACSIMILE: (225) 298-8119

December 27, 2016

## VIA HAND DELIVERY

Roger W. Harris, J.D., CCEP  
Assistant Legislative Auditor and  
Director of Investigative Audit  
1600 North Third Street  
P. O. Box 94397  
Baton Rouge, LA 70804-9397

RE: Draft Report/Supplemental Response  
LA State Penitentiary at Angola  
Department of Public Safety and Corrections  
Former Angola Warden Burl Cain

Dear Mr. Harris:

Please accept this letter and its attachments as a supplement to our original response dated December 21, 2016.

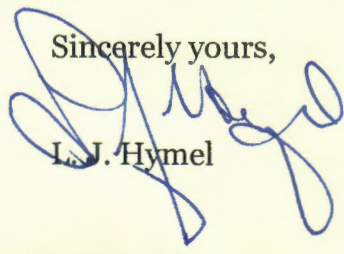
In our December 21 response, we attached Exhibit 3 which was an invoice and receipt for marble tile that was installed in the Warden's house located on the grounds of the Angola State Penitentiary. This was paid for by Warden Cain from his personal funds. I attach hereto Exhibit 4 which is a copy of check number 2436 from the personal checking account of Warden Cain that documents payment of an additional \$1,750 for the remainder of tile needed to complete the job. That tile remains in the Warden's house.

Finally, I attach as Exhibit 5 a copy of check number 2435 from Warden Cain's personal checking account. This \$7,148.50 was paid from Warden Cain's personal funds for renovation work done to the Warden's house at Angola. Those improvements remain there today.

Roger W. Harris, J.D., CCEP  
Page 2  
December 27, 2016

Please contact me if you have any questions or need further explanation.

Sincerely yours,

  
L.J. Hymel

Enclosures

LJH/jsb

RECEIVED  
ACTIVE ADDITION  
2016 DEC 27 PM 1:39



MAIN OFFICE UPSTAIRS

01:04:25 p.m. 12-21-2016

2/3

Dept of Corrections CU  
12/21/2016 12:19:27PM

BURL CAIN

2436

84-7347/2654

4/24/11 Date

Pay to the  
Order of

George Walden

\$ 1750<sup>00</sup>

Seventeen hundred Fifty

Dollars



DEPARTMENT OF CORRECTIONS  
CREDIT UNION  
LOUISIANA

For file store house

Burl Cain

⑈0000175000⑈

Member Since

12 21 11

9904

RESIDUAL 4/25/11  
6563 SS 11/26/12  
062000019  
4200478052

1536

EXHIBIT  
4.



MAIN OFFICE UPSTAIRS

12:23:25 p.m. 12-21-2016

2 / 4

Dept of Corrections CU  
12/21/2016 12:18:56PM

BURL CAIN

2435

BA-7347/2654

4/21/11

Date

Pay to the  
Order of

La State Pen

\$ 7148.50

Seven Thousand One Hundred Forty Eight Dollars

Security  
Features  
Describe on  
Back.DEPARTMENT OF CORRECTIONS  
CREDIT UNION  
LOUISIANA

For

Deposition State of La  
Burl Cain

Burl Cain

2435

Do not sign if  
Any of the following are missing  
or incorrect:  
• Back of the check is not signed  
• The words "Pay to the order of" appear clearly in the right  
of this message  
• The words "State of Louisiana" appear clearly in the right  
of this message  
• The words "Department of Corrections" appear clearly in the right  
of this message  
• The words "Credit Union" appear clearly in the right of this message  
• The words "Louisiana" appear clearly in the right of this message  
• The words "Check" appear clearly in the right of this message  
• The words "Number" appear clearly in the right of this message  
• The words "Date" appear clearly in the right of this message  
• The words "Amount" appear clearly in the right of this message  
• The words "Pay to the order of" appear clearly in the right of this message  
• The words "State of Louisiana" appear clearly in the right of this message  
• The words "Department of Corrections" appear clearly in the right of this message  
• The words "Credit Union" appear clearly in the right of this message  
• The words "Louisiana" appear clearly in the right of this message  
• The words "Check" appear clearly in the right of this message  
• The words "Number" appear clearly in the right of this message  
• The words "Date" appear clearly in the right of this message  
• The words "Amount" appear clearly in the right of this message

FOR DEPOSIT ONLY ACCT. # [REDACTED]  
STATE OF LOUISIANA  
OFFICE OF THE TREASURER  
DEPARTMENT OF CORRECTIONS  
LOUISIANA STATE PENITENTIARY  
GENERAL FUND

EXHIBIT

5.

tabbles



**LAW OFFICES OF  
JOHN S. McLINDON**

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mclindon@lawbr.net

ANDREW C. SALTAMACHIA  
asaltamachia@lawbr.net

phone: 225.408.0362 fax: 225.236.3650  
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Building Two, Suite 202  
Baton Rouge, Louisiana 70810  
www.lawbr.net

*Of Counsel*



WALTERS, PAPILLION,  
THOMAS, CULLENS, LLC  
ATTORNEYS AT LAW

January 4, 2017

Mr. Daryl G. Purpera  
Louisiana Legislative Auditor  
State of Louisiana  
1600 N. Third Street  
P.O. Box 94397  
Baton Rouge, LA 70804-9397

***VIA EMAIL & US MAIL***

***RE: Nate Cain***

Dear Mr. Purpera:

I represent Nathan Cain. This letter is in response to a letter Mr. Cain received from Roger Harris dated December 8<sup>th</sup>, 2016. That letter requested a response be filed by December 22<sup>nd</sup>; however, in a subsequent phone call with Mr. Harris, we were granted an extension until January 4<sup>th</sup>, 2017 to file an answer.

The Draft Report indicates that Nathan Cain, son of Warden Burl Cain, stayed at Angola facilities approximately 140 nights over a 5 year period. Nate Cain does not dispute that he spent nights at facilities at the Angola State Penitentiary, but cannot agree to the 140 nights. The reason for the disagreement over number of nights is that there were occasions when Nate was scheduled to go to Angola and his name would have appeared on some sort of paperwork showing that he was to be there, when in fact, it turns out, he did not go there. This happened on several occasions. Accordingly, we cannot be certain about the total amount of days/nights that Nate Cain stayed at Angola facilities.

As you know, Nate Cain was the Warden at Avoyelles Correctional Facility from 2012 to 2016. Prior to that, he was Deputy Warden at Phelps Correctional Facility in Dequincy, Louisiana from 2005-2012. During those two employment periods, he was provided housing on those separate facilities. because of his employment with the Department of Corrections already provided housing, we do not see how it would be inappropriate for him to stay at Angola. He was provided State housing already as part of his compensation package. Moreover, if Nate Cain was allowed to stay at facilities at Angola, that decision was not made by Nate, but was made by others. If there is a problem, then this should be addressed with those persons. Again, we do not see this as being inappropriate.

On every visit that Nate Cain had at Angola, he always spoke and discussed prison business with his father Burl Cain. Additionally, he reviewed vocational programs and ministry groups at Angola to see if they would work at the two different facilities where Nate worked. Even when Nate stayed at Angola during the Christmas and Thanksgiving time periods, he always discussed prison business with his father.

Additionally, Nate would go to see his father during the holiday periods because his father did not like to leave the grounds of the Angola Penitentiary during the holiday periods. This is traditionally a very depressing time for inmates and Burl Cain liked to remain on the grounds and be visible to the inmates to improve their morale. By Nate (and presumably other family members) coming to Angola, Burl Cain was able to see his family and remain on the grounds for the benefit of the inmates.

At no time did anyone ever tell Nathan Cain that it was inappropriate for him to be staying at these facilities at Angola.

Thank you for the opportunity to respond. Should you need additional information, please do not hesitate to contact me. Thank you.

Sincerely,



John S. McLindon

JSM/bn

LAW OFFICES OF  
JOHN S. McLINDON

JOHN S. McLINDON  
mclindon@lawbr.net

ANDREW C. SALTAMACHIA  
asaltamachia@lawbr.net

phone: 225.408.0362 fax: 225.236.3650  
12345 Perkins Road  
Building Two, Suite 202  
Baton Rouge, Louisiana 70810  
www.lawbr.net

*Of Counsel*



WALTERS, PAPILLION,  
THOMAS, CULLENS, LLC  
ATTORNEYS AT LAW

December 21, 2016

Mr. Daryl G. Purpera  
Louisiana Legislative Auditor  
State of Louisiana  
1600 N. Third Street  
P.O. Box 94397  
Baton Rouge, LA 70804-9397

*RE: Tim Byrd*

Dear Mr. Purpera:

I represent Tim Byrd. This is in response to a letter written to Mr. Byrd dated December 8<sup>th</sup>, 2016, signed by Roger Harris with your office. The letter had a draft of an investigative audit report on the Louisiana State Penitentiary at Angola. This letter requested that we provide information which may affect the findings contained in the draft report.

**Issue No. 1: Angola Employees Failed to Take Leave While Working on Warden Cain's Personal Residence**

At the outset, please note that this issue has been previously investigated by the Louisiana State Police and the Office of the Inspector General. Both investigations have been completed and concluded that Mr. Byrd has done nothing wrong.

Mr. Byrd did perform work at the personal residence of Mr. Cain. However, for each and every day during which Mr. Byrd worked at Warden Cain's residence, Mr. Byrd took "comp time" or "annual leave" and filled out leave slips. All of this, as noted above, has previously been investigated and documented. Mr. Byrd cannot comment on any other employees who may not have followed proper procedure. Your statement that Mr. Byrd worked on Warden Cain's personal residence without taking leave for all or part of at least 21 days between March 2015 and August 2015 is simply wrong. No one from your office ever presented to Mr. Byrd the specific 21 days that your office alleges that he did this. Nor was he ever presented with any documentary evidence to support this allegation. If your office has done this, or will do this now, we feel certain that Mr. Byrd can explain any questions that you have. If you would like to forward such documentation or other evidence to us, we would be happy to review it. However, until we see such evidence, it is difficult to be more specific in responding to these allegations.



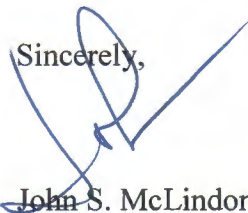
The report also states that Mr. Byrd stopped by PS Wholesale Floors, LLC on July 10<sup>th</sup>, 2015 at approximately 10:53 a.m. You state that the time records for Mr. Byrd showed that he did not take any annual leave/comp time on that day. While Mr. Byrd has no independent recollection of this trip, there are any number of explanations for this. Please remember that Mr. Byrd's job duties did not require him to stay at the Penitentiary. In fact, his job duties required him to come to Baton Rouge frequently. If Mr. Byrd did pick up these materials, it was probably done during his lunch break.

Moreover, as you point out in your report, Mr. Byrd often worked hours beyond his normal work schedule to make up for any time that he might have worked at Warden Cain's residence. Mr. Byrd has countless individuals who will vouch for his work ethic.

**Issue No. 2: Angola's Prison Enterprises' Facility Refurbished Iron Gates from Warden Cain's Personal Residence**

Mr. Byrd agrees that Warden Cain asked him to move two large gates from Cain's personal residence and bring them to Angola for sandblasting and powder coating. He did so, and several days later, he retrieved them and returned them to Warden Cain's house and reinstalled them. Your report states that a manager at Prison Enterprises' Metal Fabrication shop at Angola told you that he never saw the gates. Mr. Byrd cannot comment on that. Moreover, Mr. Byrd would not have information about what the value of these services would be.

Should you need any further information, please do not hesitate to contact us; and, as noted above, if you can provide us with additional documentation in support of your claims about the 21 days, we would be happy to consider it. Thank you.

Sincerely,  
  
John S. McLindon

JSM/bn