

## Affidavit

Before me the undersigned Notary Public came and appeared

who, after being duly sworn, did depose that the following is true and correct to the best of his information, knowledge, and belief and that it is based upon his personal information, knowledge and belief:

Ms. Ollie Tyler is a candidate in the Shreveport Mayoral election scheduled for November 4, 2014. On October 6, 2014 Ms. Tyler filed a "30<sup>th</sup> day prior to primary" Candidate's Report with the Louisiana Board of Ethics. On Schedule A-1: Contributions (Other than In-Kind Contributions) page 5 and 6 of the report, it lists five contributions received by Ollie Tyler for the campaign. The details are as follows\*:

1. Identified as being from Alta A. Franks. It was made on May 13, 2014, in the amount of \$5,000.00. The report reflects that the amount was from an individual who, further based upon public record filings in Succession of John Franks, First Judicial District, Parish of Caddo, bearing docket number 481,766 is the widow of John Franks. Alta V. Franks filed a Petition for Possession, an Inventory and Detailed Descriptive List in March, 2005. John Franks married Alta Mae Vasocue on August 17, 1952. There is only one marriage license issued in Caddo Parish for anyone named Vasocue and that is the relevant one in Book 133 Page 276 on the records of Caddo Parish;
2. Identified as being from Franks Management Company. It was made on May 13, 2014, in the amount of \$5,000.00. The report reflects that the amount was from a company whose maximum limit is \$2,500.00;
3. Identified as being from Roy Griggs. It was made on May 15, 2014. The report reflects that it was from a single individual (Mr. Griggs is married and therefore his wife could also donate \$2,500.00, but the Report does not reflect this);
4. Identified as being from John Atkins. It was made on May 13, 2014. The report reflects that it was from a single individual (Mr. Atkins is married and therefore his wife could also donate \$2,500.00, but the Report does not reflect this);

5. Identified as being from Edward J. Crawford, III. It was made on May 22, 2014. The report reflects that it was from a single individual. (Mr. Crawford is married and therefore his wife could also donate \$2,500.00, but the Report does not reflect this).

The Louisiana Secretary of State's records show the following:

Franks Management Company lists officers Alta V. Franks, Faith N. Gilbert and Bobby E. Jelks with a domicile at 1312 N. Hearne Ave, Shreveport, LA 71107

\*Referenced from campaign finance report, number 42669, filed 10/6/2014.

Ms. Tyler subsequently filed a superseding campaign finance report on 10/10/2014, number 42885, which continues to list the two excess Franks contributions as debt, not "loans", and makes a reference to repayment based upon the outcome of the primary election. Thus it appears that Ms. Tyler had every intention to hold these excess contributions for her use and disposal, rather than reimbursing them within statutory delays.

LSA R.S. 18:1505.2(H)(1)(a)(ii) establishes that the contributions made to candidates for a District Office cannot exceed \$2,500.00.

The "30<sup>th</sup> day prior to primary" Candidate's Report Schedule C: Debts & Obligations (Other than Loans) by Ms. Tyler shows that Ms. Tyler has recognized that the donations listed above exceeded the allowable limits, but rather than refund the excess donations she listed each donation with following notation:

"Reason Debt incurred: Excess contribution: amount will be refunded on or before 11/5/2014"

In May 2014 Ms. Tyler received the above-described donations that exceeded the allowable limits and by October 6, 2014 she had not refunded the excess contribution. In effect she has had use of over \$12,500.00 in donations that exceeded the allowable limits, the amount in which she intends to repay to the donors at some time before November 5, 2014. Ms.

Tyler has categorized these excess contributions as a debt owed but in reality they are a "Loan."

Ms. Tyler made statements broadcast on KEEL Radio, 710AM, Shreveport on the Robert J. Wright - Erin McCarty New KEEL Morning Show on October 9, in which she explained the excess contributions as having been made by couples, which is only possibly true as to the Atkins, Griggs and Crawford contributions, but not true for the individual Franks or Franks Management Company contributions, for the reasons set forth herein.

Ms. Tyler continues to actively deceive the voters by glossing over the Franks contributions and indicating a curative amendment, which is not so.

In the Shreveport Times, dated October 12, 2014, Ms. Tyler reiterated her explanation of the couples contribution:

"Candidate Ollie Tyler said donations to her campaign which seemed to be above contribution limits in fact were not and were accepted in accordance with state campaign finance laws.

"We haven't done anything unethical," said Tyler, who explained the possible excessive contributions as an oversight. According to her campaign finance reports due Oct. 6, Tyler intended to return \$2,500 to each of the donors in question on or before Nov. 5.

But after questioning by The Times, Tyler and her campaign treasurer John Schmidt later said her campaign would file an amended report clarifying the source of the donations, which were mistakenly attributed to one instead of two people. "

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"Tyler said she would amend the reports to reflect the discrepancies. And, if she did not make the December runoff would return the money to the contributors."

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"Donations attributed to Griggs, Crawford and Atkins were erroneously listed as a single contribution. The donations actually were from the men and their respective wives in which each gave individual contributions of \$2,500, Tyler said.

Bobby Jelks, of Franks Management Company which gave a \$5,000 donation, said his company always gives the maximum amount at one time for both elections. It's not uncommon, he said."

Shreveport Times, October 12, 2014 and online at <http://www.shreveporttimes.com/story/news/election/2014/10/11/questions-arise-mayoral-finance-reports-released/17137057/>

LSA-R.S. 1483(10) provides, “*Loan* means a transfer of money ... in exchange for the obligation to repay in whole or in part, made for the purpose of supporting ...the ... election of any person to public office ...”

LSA R.S. 18:1505.2(H)(3)(b) provides, “No person shall make a loan ...for more than \$25.00 ...” and LSA R.S. 18:1505.2(H)(3)(c) provides “No candidate ... shall accept from the same contributor a loan ... for more than \$25.00 ...”. LSA R.S. 18:1505.2(H)(3)(d) provides “... no person shall make a loan ... to a candidate ... with funds loaned to him without disclosing ... the source of the funds ...”.

LSA R.S. 18:1505.2(J)(a) provides “Any candidate ... who violates any provision of Subsection H ... shall be assessed a penalty of not more than five thousand dollars or the amount of the violation, whichever is greater, except that the penalty for a knowing and willful violation shall be not more than ten thousand dollars or two hundred percent of the violation, whichever is greater.”

LSA R.S. 18:1505.6(C) provides, “Any candidate ... or any person who knowingly, willfully, and fraudulently violates any provision of R.S. 18:1505.2 ... shall upon conviction, be sentenced to not in excess of six months in the parish jail or to pay a fine of not more than five hundred dollars, or both.”

LSA R.S. 18:1511.1, et seq. govern the Enforcement of the above cited statutes. The statutes provide that all allegations of violations of Campaign Finance laws are investigated by the Supervisory Committee on Campaign Finance Disclosure. If the Committee determines that a knowing, willful and fraudulent violation or an intentional criminal violation occurred the committee shall forward all information to the district attorney of the judicial district in which the violation occurred.

Regarding the penalties - *State v. Ourso*, 2006 CA 1467 (La. App. 1<sup>st</sup> Cir), June 8, 2007 A candidate for District Court Judge in the 21<sup>st</sup> JDC filed financial reports as per the Campaign Finance Disclosure Act. The Board investigated whether a loan to the candidate by his parents was made with

funds that belonged to the candidate through a trust or funds belonging to his parents. The court found that the funds belonged to the candidate's parents and therefore was a violation of the limits established by LSA R.S. 18:1505.2(H). The court determined that the appropriate civil penalty for such acts was the amount of the loan, which was \$40,311.89 plus legal interest.

Based upon the above described facts it is my position that Ms. Ollie Tyler, Ms. Alta Franks, Ms. Faith Gilbert and Mr. Bobby Jelks are knowingly and willfully violating LSA R.S. 18:1505.2(H).

Based upon the above information I, a Louisiana elector, file this sworn complaint against Ms. Ollie Tyler, Ms. Alta Franks, Ms. Faith Gilbert, Mr. Bobby Jelks and Franks Management Company and ask that they be investigated by the Louisiana Board of Ethics for their failure to comply with Louisiana Campaign Finance law.

**THUS DONE AND SIGNED** at Shreveport, Caddo Parish, Louisiana, this the 14th day of October, 2014.

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**Affiant**

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**NOTARY PUBLIC**

Gary Loftin, Caddo Clerk of Court

Civil Minutes

Suit Number: C 481766

Section: A

FRANKS,JOHN : Plaintiff

versus

SUCCESSION : Defendant

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**Entry Date: 03/23/2005**

PETITION FOR POSSESSION FILED MARCH 22, 2005 BY ALTA V. FRANKS.

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**Entry Date: 03/17/2005**

DETAILED DESCRIPTIVE LIST OF ASSETS AND LIABILITIES FILED MARCH 17, 2005 BY ALTA V. FRANKS.

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Software & Services of Louisiana, L.L.C.  
Reser/ed.