

SUPREME COURT OF LOUISIANA

In re Hoffman

171 So. 3d 911 (La. 2015) · Decided April 10, 2015

SUMMARY

The Louisiana Supreme Court held that Justice of the Peace Kevin J. Hoffman willfully and knowingly violated Supreme Court Rule XXXIX by failing to timely file his 2011 financial disclosure statement. Because this was his second violation of the financial disclosure requirement, the court imposed a \$2,000 civil penalty and assessed \$276 in costs.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	April 10, 2015
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Louisiana reviewed the Judiciary Commission of Louisiana's recommendation concerning a justice of the peace's failure to timely file a required financial disclosure statement. The parties waived briefing and oral argument, stipulated to the recommended penalty and costs, and requested decision on the Commission record.
STANDARD OF REVIEW	The court reviewed the record and applicable law and required clear and convincing evidence to establish the violation and its willful and knowing character.
PRECEDENTIAL VALUE	published precedential opinion

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QUESTIONS PRESENTED

1. Whether Hoffman failed to comply with Supreme Court Rule XXXIX by filing his 2011 financial disclosure statement after the applicable deadlines.
2. Whether Hoffman's violation was willful and knowing under Rule XXXIX.
3. What civil penalty and costs were appropriate for Hoffman's second violation of the financial disclosure requirement.

HOLDINGS

1. Hoffman violated Supreme Court Rule XXXIX by failing to timely file his 2011 financial disclosure statement, which was due May 15, 2012 and was not filed until August 24, 2012.
2. Hoffman's failure to timely file the 2011 statement was a willful and knowing violation of Rule XXXIX.
3. A civil penalty of \$2,000, plus \$276 in costs, was appropriate for Hoffman's second violation of the financial disclosure rule.

KEY QUOTATIONS

“Justice of the Peace Hoffman’s failure to comply with the reporting rule on a second occasion certainly demonstrates bad faith; therefore, we conclude his conduct constitutes a willful and knowing violation of Rule XXXIX.” (at 914)

“Accordingly, it is ordered that Justice of the Peace Hoffman pay a civil penalty to the State of Louisiana, Judicial Branch, in the amount of \$2,000.00, plus costs in the amount of \$276.00, no later than thirty days from the finality of this judgment.” (at 915)

FACTUAL BACKGROUND

Rule XXXIX required elected Louisiana justices of the peace to file annual financial disclosure statements by May 15. Hoffman's 2011 statement was due May 15, 2012, but he did not file it until August 24, 2012, despite delinquency notices extending the deadline to July 3 and July 30. Hoffman testified that the delay resulted from the illness and death of his father and confusion with his prior financial-disclosure proceedings. He had previously violated the same reporting requirement for his 2009 statement and had been warned that future violations would not receive similar leniency.

PROCEDURAL HISTORY

Justice of the Peace Kevin J. Hoffman failed to timely file his 2011 financial disclosure statement under Supreme Court Rule XXXIX. After a formal charge, a hearing officer found that the violation was willful and knowing. The Judiciary Commission adopted the material findings and recommended a \$2,000 civil penalty and \$276 in costs. The Supreme Court granted the parties' motion to decide the matter on the existing record and imposed the recommended sanction.

DISPOSITION

other

CASES CITED

- In re Hoffman, 66 So. 3d 455 (La. 2011)
- In re Threet, 105 So. 3d 676 (La. 2012)
- In re Myers, 105 So. 3d 679 (La. 2012)
- In re Hoffman, 92 So. 3d 334 (La. 2012)

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