STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

September 8, 2020

VIA SHAREPOINT

The Division of Administrative Law
1020 Florida Street
Baton Rouge, LA 70802

RE: *In the Matter of James Gibson and Gibson Entities, LLC*
Agency Tracking No.: 2019-796

Dear Ms. Duhon:

Please file the attached *Charges*.

If you have any questions, please do not hesitate to contact me at 225-219-5619, and thank you.

Kindest regards,

LOUISIANA BOARD OF ETHICS

Elizabeth W. Barrouquere

Elizabeth Barrouquere
Staff Paralegal

Enclosures

cc: Mr. James Gibson
102 John Street, Baldwin, LA 70514
(via certified mail no. 70191120000179863007)

Gibson Entities, LLC
D/B/A Gibson Entities Auto Repair
Through its Registered Agent for Service of Process:
Mr. James Gibson
P.O. Box 1088, Franklin, LA 70538
(via certified mail no. 70191120000179862994)

AND

P.O. Box 1088, Franklin, LA 70538
(via certified mail no. 70191120000179863014)

AND

1723 Willow Street, Franklin, LA 70538
(via certified mail no. 70191120000179862987)

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

LOUISIANA BOARD OF ETHICS	*	
	*	
	*	**DOCKET NO.**
	*	
IN THE MATTER OF	*	
	*	
JAMES GIBSON AND	*	
GIBSON ENTITIES, LLC	*	**AGENCY TRACKING NO. 2019-796**

CHARGES

The Louisiana Board of Ethics (hereinafter referred to as the "BOE") voted on August 6, 2020 to and does hereby file the following Charges:

1.

The BOE is an agency of the State of Louisiana domiciled in East Baton Rouge Parish, Louisiana.

2.

The BOE is authorized to file these Charges by virtue of the provisions of La. R.S. 42:1141C(3)(a) and (b); the Ethics Adjudicatory Board has jurisdiction of this matter pursuant to La. R.S. 42:1141C(3)(a) and La. R.S. 42:1141.5; and East Baton Parish, the domicile of the BOE and Ethics Adjudicatory Board is the proper venue pursuant to La. R.S. 42:1141.3.

3.

Made Respondents herein are

> **James Gibson**, a person of the full age of majority, domiciled in the Parish of St. Mary with a last known address of 102 John Street, Baldwin, Louisiana 70514 and P.O. Box 1088, Franklin, Louisiana 70538.
>
> **Gibson Entities, LLC**, a Louisiana Limited Liability Company, domiciled in the Parish of St. Mary, represented herein by its Registered Agent, James Gibson, with a last known mailing address of P.O. Box 1088, Franklin, Louisiana 70538 and domicile address of 1723 Willow Street, Franklin, Louisiana 70538.

4.

On March 19, 2005, James Gibson married Kimberlyn Gibson, and they maintain a community property regime.

5.

Gibson Entities, LLC was organized by James Gibson on May 26, 2016 with the Louisiana Secretary of State and does business as Gibson Entities Auto Repair. James Gibson is the sole owner of Gibson Entities, LLC d/b/a Gibson Entities Auto Repair.

6.

As the sole owner of Gibson Entities, LLC, James Gibson owns more than 25% of Gibson Entities, LLC. Kimberlyn Gibson owns a "controlling interest" in Gibson Entities as her interest is calculated by that interest held by or on behalf of the public servant or a member of her immediate family, either individually or collectively. La. R.S. 42:1102(8).

7.

The Town of Baldwin Police Department is a governmental entity as defined by the Louisiana Code of Governmental Ethics, La. R.S. 42:1102(12).

8.

On June 15, 2015, Kimberlyn Gibson was hired by the Town of Baldwin Police Department as a Reserve Officer/Dispatcher. On August 11, 2016, Ms. Gibson became a Patrol Officer for the Police Department. In August 2017, Ms. Gibson's employment was terminated. On June 28, 2018, Ms. Gibson was re-hired as a Patrol Officer for the Baldwin Police Department. Ms. Gibson resigned on February 11, 2020.

9.

Kimberlyn Gibson's job duties and responsibilities as a full-time law enforcement office for the Baldwin Police Department included taking calls from dispatch, attending to traffic situations, and generally enforcing the laws of the State of Louisiana. Ms. Gibson also provided help to Chief Harry Smith by performing administrative duties as his secretary.

10.

The Town of Baldwin Police Department issued W-2 Wage and Tax Statements to Kimberlyn Gibson evidencing her receipt of income in the amount of $433.14 for 2015; $10,006.74 in 2016; $20,319.88 in 2017; $14,973.08 in 2018; and, $29,566.80 in 2019. At the time of these Charges, Ms. Gibson has not received a W-2 Wage and Tax Statement for 2020.

11.

While Kimberlyn Gibson was employed with the Town of Baldwin Police Department, James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair entered into transactions with the Town of Baldwin Police Department for the maintenance and repair of Police Department vehicles.

12.

Between May 9, 2017 through September 6, 2019, James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair submitted the following invoices to the Town of Baldwin Police Department:

Date	Invoice Number	Amount
5/9/17	1544	$181.50
5/24/17	1569	$276.26
6/15/17	1582	$180.01
6/15/17	1583	$199.98
8/9/18	1802	$133.75
8/9/18	1799	$160.29
8/9/18	1801	$150.00
8/9/18	1800	$392.45
2/11/19	1872	$703.24
5/10/19	1903	$401.50
7/30/19	1923	$380.99
7/30/19	1924	$1,361.78
9/6/19	1927	$721.77
	Total	**$5,243.52**

13.

Between August 15, 2017 through August 22, 2019, the Town of Baldwin Police Department issued the following payments to James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair:

Date	Check Number	Amount
8/15/17	1134	$657.74
8/20/18	1314	$702.24
9/12/18	20845	$133.75
4/22/19	1417	$703.24
5/30/19	1426	$401.50
7/24/19	1446	$134.98
8/22/19	1462	$1,742.77
	Total	**$4,476.22**

14.

The following provisions of the Louisiana Code of Governmental Ethics are implicated by the alleged facts stated herein:

(1) **La. R.S. 42:1102(8)** defines "Controlling interest" to mean any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

(2) **La. R.S. 42:1102(13)** defines "Immediate family" as the term relates to a public servant to mean 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.

(3) **La. R.S. 42:1102(23)** defines "Transaction involving the governmental entity" to mean any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know: (a) Is, or will be, the subject of action by the governmental entity. (b) Is one to which the governmental entity is or will be a party. (c) Is one in which the governmental entity has a direct interest.

(4) **La. R.S. 42:1113A** provides that no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

(5) **La. R.S. 42:1153B** provides that upon finding that any public employee or other person has violated any provision of any law within the jurisdiction of the board . . ., the board by a majority vote of the membership, may remove, suspend, or order a reduction in pay, or demotion of the public employee or other person, or impose a fine of not more than ten thousand dollars, or both.

(6) **La. R.S. 42:1155A** provides that if an investigation pursuant to R.S. 42:1141 reveals that any public servant or other person has violated any law within the jurisdiction of the board to his economic advantage, the board may order the payment of penalties. Recovery may include, in addition to an amount equal to such economic advantage, penalties not to exceed one half of the amount of the economic advantage.

15.

Based on the foregoing facts stated herein, James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair violated La. R.S. 42:1113A **each time** James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair entered into a transaction with the Town of Baldwin Police Department while James Gibson's wife, Kimberlyn Gibson, was employed with the Town of Baldwin Police Department when James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair performed maintenance and repairs on the vehicles of the Town of Baldwin Police Department.

16.

In accordance with La. R.S. 42:1141(C)(3)(b)(iv), on September 3, 2020, the BOE designated Tracy M. Barker and David Bordelon as the BOE's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics respectfully prays that the Ethics Adjudicatory Board (a) conduct a hearing on the foregoing charges; (b) determine that James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair violated La. R.S. 42:1113A, with respect to the forgoing stated facts; and (c) assess appropriate penalties in accordance with the Louisiana Code of Governmental Ethics.

Respectfully Submitted by:

LOUISIANA BOARD OF ETHICS

Robert V. McAnelly, Chairman
P.O. Box 4368
Baton Rouge, LA 70821
Telephone: (225) 219-5600
Facsimile: (225) 381-7271

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Charges have been issued for service to the Respondents, James Gibson and Gibson Entities, LLC d/b/a Gibson Entities Auto Repair, at their last known addresses, by certified mail in accordance with La. R.S. 42:1141.4, on this 8th day of September, 2020.

JAMES GIBSON
102 John Street
Baldwin, Louisiana 70514
and
P.O. Box 1088
Franklin, Louisiana 70538.

GIBSON ENTITIES, LLC D/B/A GIBSON ENTITIES AUTO REPAIR
Through its Registered Agent for Service of Process:
James Gibson
P.O. Box 1088
Franklin, Louisiana 70538
and
1723 Willow Street
Franklin, Louisiana 70538.

Tracy M. Barker, Trial Attorney