STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
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July 17, 2020

VIA SHAREPOINT

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

RE: *In the Matter of Tracy Stewart*
Agency Tracking No.: 2019-123

Dear Ms. Duhon:

On behalf of the Louisiana Board of Ethics, please file the attached *Charges* in the referenced matter.

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: Ms. Tracy Stewart (via certified mail no. 70191120000179772859)
Mr. Marshall Hevron, counsel for respondent (via U.S. Mail)

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

LOUISIANA BOARD OF ETHICS	*	
	*	
	*	**DOCKET NO.**
	*	
IN THE MATTER OF	*	
	*	
TRACY STEWART	*	**AGENCY TRACKING NO. 2019-123**

CHARGES

The Louisiana Board of Ethics voted on July 2, 2019 to and does hereby file the following charge:

I.

Young Audiences Arts for Learning (YA) is a national organization that is an arts-in-education learning network.

II.

Young Audiences in Louisiana, Inc. (YALA), is a nonprofit and the local affiliate of YA. YALA's mission is to inspire, empower, and unite children through education, arts and culture.

III.

In furtherance of YALA's mission, YALA incorporated Young Audiences Charter School, Inc. (YACA) on June 29, 2012.

IV.

On May 15, 2014, YALA and YACA entered into an Agreement whereby YALA memorializes that it submitted a Charter School Application on YACA's behalf with the Jefferson Parish School Board (JPSB), JPSB approved the Charter School Application of YALA on behalf of

YACA, and YALA executed a Charter School Contract with JPSB to be administered by YACA. The term of the May 15, 2014 Agreement between YALA and YACA commenced on July 1, 2013 and ended on June 30, 2014, and would automatically renew on a year-to-year basis commencing on July 1, 2014. The scope of services were to be renegotiated annually.

V.

The May 15, 2014 Agreement between YALA and YACA incorporated the Charter School Contract with JPSB. The Agreement provides that YALA, acting on behalf of YACA, shall have the power and authority to:

> (1) contract for goods and services, including legal and accounting services;
> (2) lease or otherwise contract with any third party for the use of facilities for school purposes and the operation and maintenance thereof;
> (3) purchase, lease, or rent furniture, equipment and supplies;
> (4) accept and expend gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and not contrary to any of the terms of this Agreement;
> (5) establish curriculum for the school as provided for in the Agreement;
> (6) evaluate and otherwise measure the quality of educational programs delivered in the Charter School;
> (7) exercise such other powers as provided for elsewhere in this Agreement to the extent consistent with this Agreement; and,
> (8) generally, take such other actions as may be necessary or desirable to properly and efficiently operate the Charter School in accordance with the Charter School Contract, this Agreement, and/or Federal and State law.

VI.

The May 15, 2014 Agreement between YALA and YACA also provided that the goal of YACA is to provide an education to the students that meet the standards required by the Louisiana Department of Education and the quality standards set by YALA. In addition, the Agreement provides that in the event the relationship between YALA and YACA is terminated for any reason, YACA shall remove the words "Young Audiences" from its name.

VII.

On June 6, 2012, the JPSB granted a "Type 1" charter to YALA and YACA. On December 12, 2017, the JPSB renewed the charter for an additional five year term.

VIII.

Brionne Stewart is the biological daughter of Tracy Stewart.

IX.

Tracy Stewart has been a member of the Board of Directors for YALA since May 2010 and has continually served as a member of the Board of Directors at all times pertinent herein. Ms. Stewart is still a member of the YALA Board to date.

X.

On March 30, 2015, Brionne Stewart was offered the position of Director of Curriculum at YACA. The offer letter was executed by Brandon House, Principal of YACA.

XI.

On June 30, 2016, Brionne Stewart was offered the position of Assistant School Leader at YACA. The offer letter was executed by Brandon House, Principal of YACA.

XII.

On May 21, 2018, Brionne Stewart was offered the position of Lower School Leader at YACA. Rickie Nutik, Chief Operating Officer of YALA executed the offer letter.

XIII.

On June 5, 2019, Brionne Stewart was offered the position of Lower School Principal at YACA. Rickie Nutik, Chief Operating Officer of YALA executed the offer letter.

XIV.

Brionne Stewart has been continuously employed with YACA since March 30, 2015, and at all times pertinent herein.

XX.

Brionne Stewart received compensation from YACA for her employment as follows:

Year	**Amount**
2015	$30,926.99
2016	$69,500.32
2017	$77,720.44
2018	$89,994.55

XXI.

La. R.S. 42:1119 provides with respect to nepotism:

A. No member of the immediate family of an agency head shall be employed in his agency.

La. R.S. 42:1102 provides the following definitions:

(3) "Agency head" means the chief executive officer or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

(13) "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.

XXII.

La. R.S. 42:1153 provides with respect to penalties:

> B. 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.

XXIII.

Based on the foregoing facts, Tracy Stewart, while serving as a member of the Young Audiences of Louisiana, Inc. Board of Directors, violated La. R.S. 42:1119A by virtue of her daughter, Brionne Stewart's, employment with the Young Audiences Charter School.

XXIV.

In accordance with La. R.S. 42:1141C (3)(b)(iv), the Board designates Tracy M. Barker and Sue Mooney as the Board's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics requests that the Ethics Adjudicatory Board (a) conduct a hearing on the foregoing charges; (b) determine that Tracy Stewart has violated La. R.S. 42:1119A, with respect to the forgoing counts; and (c) assess appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted at the hearing.

Respectfully submitted:

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:

I hereby certify that a copy of this document has been forwarded to the Respondent, Tracy Stewart, by registered/certified mail in accordance with La. R.S. 42:1141E(1)(a), on this 17 day of July, 2020.

Tracy Stewart
8520 Hickory Street
Apt. 1
New Orleans, Louisiana 70118

Attorney: Marshall Hevron
Adams And Reese LLP
One Shell Square
701 Poydras Street, Suite 4500
New Orleans, Louisiana 70139

Sue Mooney
Trial Attorney