STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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BATON ROUGE, LA 70821
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1-800-842-6630
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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 David James*
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: Mr. David James (via certified mail no. 70191120000179772866)
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	*	
	*	
DAVID JAMES	*	**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.

Jenny James and David James were married on March 6, 2006 and have been married at all times pertinent herein.

IX.

Jenny James has been continuously employed with YALA since January 2008 and served as the Director of Education and Programs since September 2014. As the Director of Education and Programs, Mrs. James is responsible for the oversight of all program staff, the hiring and training of teaching artists and programs, the oversight of arts-integration, proessional development, and model implementation at all schools, including YACA; processing payroll for all teaching artists; and, cultivating new education partners.

X.

Jenny James was contacted by the event organizer for YALA to determine if her husband would be interested in performing musician services.

XI.

David James performed musician services 11 times in 2015 and received compensation totaling $2,072.00; 14 times in 2016 and received compensation totaling $3,396.00; 20 times in 2017 and received compensation totaling $3,175.02; and, 18 times in 2018 and received compensation totaling $3,226.00.

XII.

David James did provide performances between 2015 and 2018 at YACA.

XIII.

La. R.S. 42:1113A provides with respect to prohibited transactions:

A. 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.

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

(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.

(18) "Public Employee" to mean Anyone, whether compensated or not, who is (i) an administrative officer or official of a governmental entity who is not filling an elective office. (ii) appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof. **(iii) engaged in the performance of a governmental function. (iv)** under the supervision or authority of an elected official or another employee of the governmental entity.

(23) "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.

XIV.

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.

XV.

Based on the foregoing facts, David James violated La. R.S. 42:1113A by virtue of his entering into transactions with the Young Audiences of Louisiana, Inc. and Young Audience Charter School Association for the provision of musician services to YACA while his wife, Jenny James, served as the Director of Curriculum and Education at YALA.

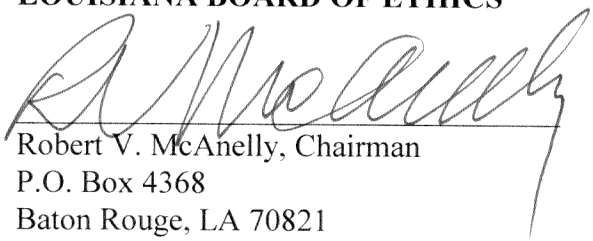
XVI.

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 David James has violated La. R.S. 42:1113A, 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, David James, by registered/certified mail in accordance with La. R.S. 42:1141E(1)(a), on this 17 day of July, 2020.

David James
2190 Hallow Lane
Gretna, Louisiana 70056

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

Sue Mooney
Trial Attorney