

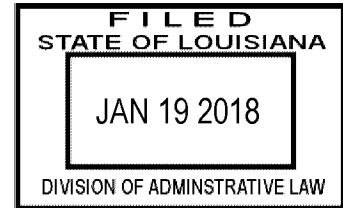


STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**

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January 19, 2018

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



RE: In the Matter of Timothy Duncan  
Agency Tracking No.: 2016-116

Dear Susan:

Please see the subsequent Charges by the Louisiana Board of Ethics to be filed in the referenced matter.

Kindest regards.

LOUISIANA BOARD OF ETHICS

A handwritten signature in black ink, appearing to read "Michelle B. Charlot".

Michelle B. Charlot  
Staff Paralegal

Enclosure as noted

Cc: Timothy Duncan, John Allen

**STATE OF LOUISIANA  
DIVISION OF ADMINISTRATIVE LAW**

**LOUISIANA BOARD OF ETHICS**

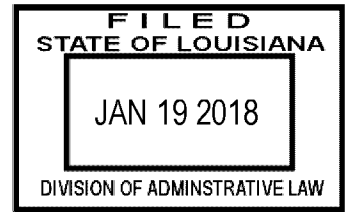
**IN THE MATTER OF**

**TIMOTHY DUNCAN**

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**DOCKET NO.**

**AGENCY TRACKING NO. 2016-116**



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**CHARGES**

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The Louisiana Board of Ethics voted on November 16, 2017 to and does hereby file the following charge:

**1.**

Timothy Duncan continuously served as a member of the Washington Parish Fire Protection District No. 6 Board of Commissioners from July 28, 2003 until his removal on December 19, 2015.

**2.**

While a member of the Washington Parish Fire Protection District No. 6 Board of Commissioners, Timothy Duncan issued checks between January 15, 2014 through August 10, 2015 in the amount of \$65,092.28 to himself, fictitious companies, family members, or family member's companies of which all money was utilized by him personally. No work or services were provided for \$18,878.50 of the \$65,092.28 received by Timothy Duncan. \$52,448.78 of the \$65,092.28 was deposited directly into his personal banking account.

The following checks were submitted in 2014:

CHECK DATE	CHECK NO.	PAYABLE TO	AMOUNT
1/15/2014	944	J&T Handy Work	\$408.00
1/20/2014	962	Passman EVT	\$5,769.50
4/28/2014	1004	Tim Duncan	\$4,926.00
5/20/2014	1006	J&T Handy Work	\$1,500.00
6/5/2014	1007	J&T Handy Work	\$2,500.00
7/18/2014	1027	J&T Handy Work	\$2,800.00
7/25/2014	1037	J&T Handy Work	\$2,325.00
8/15/2014	1041	J&T Handy Work	\$5,895.00
8/22/2014	1054	J&T Handy Work	\$5,550.00
9/2/2014	1055	Southern Boy's Catering	\$1,550.00
10/6/2014	1071	J&T Handy Work	\$1,958.00
10/24/2014	1082	J&T Handy Work	\$1,475.00
11/8/2014	1090	J&T Handy Work	\$6,471.00
12/18/2014	1101	Natt Lab Training	\$2,385.00
<b>TOTAL</b>			<b>\$45,512.50</b>

The following checks were submitted for 2015:

CHECK DATE	CHECK NO.	PAYABLE TO	AMOUNT
1/27/2015	1103	T&J Truck Repair	\$3,261.78
2/19/2015	1123	James Sumrall	\$2,145.00
3/27/2015	1138	Three Brothers Construction	\$3,750.00
4/20/2015	1147	J&T Handy Work	\$1,500.00
5/29/2015	1153	John Franklin	\$1,726.00
6/8/2015	1154	Earl Hickman	\$2,500.00

7/14/2015	1164	T&J Truck Repair	\$1,799.00
7/29/2015	1173	John Franklin	\$1,148.00
8/10/2015	1175	J.W. Sumrall	\$1,750.00
<b>TOTAL</b>			<b>\$19,579.78</b>

### 3.

“T and J Truck Repair”, “J and T Handy Work”, and “Passman EVT” are not business registered with the Louisiana Secretary of State, but names created by Timothy Duncan. All checks issued to these fictitious companies were endorsed by Timothy Duncan and deposited into Timothy Duncan’s personal bank account.

Southern Boy’s Catering is a catering service owned by Timothy Duncan’s brother-in-law; however, any and all checks issued to Southern Boy’s Catering were endorsed by Timothy Duncan and deposited into Timothy Duncan’s personal bank account.

Three Brother’s Construction is a company owned by Timothy Duncan’s nephews; however, any and all checks issued to Three Brother’s Construction were endorsed by Timothy Duncan and deposited into Timothy Duncan’s personal bank account.

The check issued to Natt Lab Training was endorsed by Timothy Duncan and deposited into Timothy Duncan’s personal bank account.

James Sumrall is Timothy Duncan’s nephew; however, any and all checks issued to James Sumrall were endorsed by Timothy Duncan and deposited into Timothy Duncan’s personal bank account.

Earl Hickman is Timothy Duncan's nephew; however, any and all checks issued to Earl Hickman were endorsed by Timothy Duncan and deposited into Timothy Duncan's personal bank account.

John Franklin is Timothy Duncan's nephew; however, any and all checks issued to John Franklin were endorsed by Timothy Duncan and deposited into Timothy Duncan's personal bank account.

**4.**

Members of the Washington Parish Fire Protection District No. 6 Board of Commissioners are not compensated.

**5.**

Timothy Duncan was not authorized to personally receive \$65,092.28 from the Washington Parish Fire Protection District No. 6 for the performance of his job duties and responsibilities as a member of the Washington Parish Fire Protection District No. 6 Board of Commissioners.

**6.**

Timothy Duncan signed Richard Moody's, President of the Washington Parish Fire Protection District No. 6 Board of Commissioners, signature to all checks he deposited into his personal bank account; however, he did not have authorization to sign Richard Moody's signature to any of the checks listed in Paragraph 2, above.

**7.**

On April 28, 2017, before the 22<sup>nd</sup> Judicial District Court, Timothy Duncan pled guilty to 1 count of theft (La. R.S. 14:67A); 10 counts of forgery (La. R.S. 14:72); 2 counts of theft (La. R.S. 14:67B; and, 15 counts of prohibited splitting of profits (La. R.S. 14:141). Timothy Duncan was

sentenced to seven years for the theft and forgery counts, all suspended with five years of supervised probation; he was sentenced to five years for the theft count, all suspended with five years of supervised probation; and, he was sentenced to five years for the prohibited splitting of profits, fees or commission counts, all suspend with five years supervised probation.

Timothy Duncan was ordered to make restitution in the amount of \$60,676.60. Timothy Duncan was ordered to pay \$6,067.60 in collection fees.

**8.**

**La. R.S. 42:1111A(1)(a)** provides with respect to payment not duly entitled to receive:

- A. (1)(a) No public servant shall receive anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

**La. R.S. 42:1112A** provides with respect to participation:

- A. No public servant shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

**9.**

**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.

**La. R.S. 42:1155** provides with respect to penalties:

- A. 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. . .

**10.**

Based on the foregoing facts, Timothy Duncan, in his capacity as a member of the Board of Commissioners of the Washington Parish Fire Protection District No. 6, violated La. R.S. 42:1111A(1)(a) by virtue of his receipt of \$65,092.28 of Washington Parish Fire Protection District No. 6 funds to which he was not duly entitled to receive for the performance of his job duties and responsibilities as a member of the Board of Commissioners of the Washington Parish Fire Protection District No. 6.

**11.**

Based on the foregoing facts, Timothy Duncan, in his capacity as a member of the Board of Commissioners of the Washington Parish Fire Protection District No. 6, violated La. R.S. 42:1112A by virtue of his participation in issuing, signing, and forging Richard Moody's name on Washington Parish Fire Protection District No. 6. checks either to himself or other parties which all checks were either deposited into his personal bank account or cashed for his personal use to which he was not entitled to receive for the performance of his job duties and responsibilities as a member of the Board of Commissioners of the Washington Parish Fire Protection District No. 6.

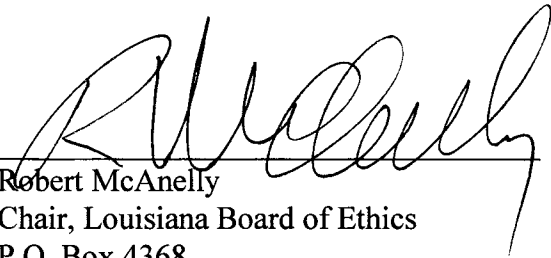
**12.**

In accordance with La. R.S. 42:1141C (3)(b)(iv), the Board designates Tracy M. Barker and David Bordelon 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 Timothy Duncan has violated La. R.S. 42:1111A and La. R.S. 42:1112A, 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.

**[SIGNATURE AND CERTIFICATE OF SERVICE ON FOLLOWING PAGE]**






Robert McAnelly  
Chair, Louisiana Board of Ethics  
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, Timothy Duncan, by registered/certified mail in accordance with La. R.S. 42:1141E(1)(a), on this 19<sup>th</sup> day of January, 2018.

**Timothy Duncan**  
62477 Martin Road  
Angie, Louisiana 70426-3015

Copy to his attorney of record:  
Mr. John Allen  
Allen Law Firm  
1012 Main Street  
Franklinton, Louisiana 70438

  
\_\_\_\_\_  
Tracy M. Barker  
Trial Attorney