STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
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December 9, 2020

VIA SHAREPOINT

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

RE: *In the Matter of Davanya Tabb*
Agency Tracking No.: 2019-1167

Ms. Duhon:

On behalf of the Louisiana Board of Ethics, please filed 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. Davanya Tabb
12930 McRaven Court
New Orleans, Louisiana 70128
(via certified mail no. 70191640000203527430)

STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

LOUISIANA BOARD OF ETHICS	*	**DOCKET NO.**
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	*	
IN THE MATTER OF	*	
	*	
	*	
DAVANYA TABB	*	**AGENCY TRACKING NO. 2019-1167**

CHARGES

The Louisiana Board of Ethics voted on September 4, 2020, to and does hereby file the following charges:

1.

The Sewerage and Water Board of New Orleans (hereinafter sometimes referred to as "SWBNO") was created by Act 6 of the Extra Session of 1899 by the Legislature of the State of Louisiana.

2.

Vanna Tabb Acker was employed with the SWBNO as an Administrative Support Supervisor II in the Risks Management Department in the Claims Division from March 2007 until October 2019.

3.

Vanna Tabb Acker's job duties with the SWBNO included identifying liability, responding timely to property and casualty claims, investigating and resolving claims.

4.

Davanya Tabb is the daughter of Vanna Tabb Acker.

5.

Davanya Tabb filed a complaint with the SWBNO on February 21, 2018, alleging that her vehicle was damaged due to a defect in a city street caused by improper maintenance by the SWBNO.

6.

On March 29, 2018, Vanna Tabb Acker investigated, processed and paid the claim to her daughter in the amount of $2,473.54.

7.

La. R.S. 42:1113A(1)(a) provides:

> No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or 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.

8.

La. R.S. 42:1102(13) provides:

> "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.

9.

La. R.S. 42:1102(23) provides:

> "Transaction involving the governmental entity" means any proceeding, application, submission, request for 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. A transaction involving the agency of a governmental entity shall have the same meaning with respect to the agency.

10.

Based on the foregoing facts, Davanya Tabb, violated La. R.S. 42:1113A(1)(a) by making a claim with the SWBNO, while her mother was employed as an Administrative Support Supervisor II in the Risks Management Department in the Claims Division of the SWBNO.

11.

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

> Upon finding that any public employee or other person has violated any provision of any law within the jurisdiction of the board . . ., the Ethics Adjudicatory Board, 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.

12.

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

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 of Ethics to his economic advantage, and after an adjudicatory hearing on the matter, the Ethics Adjudicatory 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.

13.

In accordance with La. R.S. 42:1141C(3)(b)(iv), the Board designates Gregory L. Thibodeaux and Tracy Barker 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 Davanya Tabb violated

La. R.S. 42:1113A(1)(a); and (c) assess appropriate penalties in accordance with the recommendation of the Louisiana Board of Ethics to be submitted at the hearing.

Robert V. McAnelly
Chairman, 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 via registered/certified mail, and to the attorney of record via electronic mail, on this 9th day of December, 2020.

RESPONDENT: Davanya Tabb
12930 McRaven Court
New Orleans, Louisiana 70128

Gregory L. Thibodeaux
Trial Attorney