

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2024-6121-ETHICS-B**

IN THE MATTER OF

GRAYSON W. WASHINGTON

*** AGENCY TRACKING NO. 2023-304**

DECISION AND ORDER

The Louisiana Board of Ethics charged Grayson W. Washington with two violations of the Code of Governmental Ethics. The Louisiana Board of Ethics proved by clear and convincing evidence that Grayson W. Washington was a public servant who received a thing of economic value, other than compensation and benefits, from his employer, the City of Baton Rouge - Department of Development's Permits and Inspection Division, to which he was not entitled for the performance of the duties and responsibilities as Chief Code Enforcement Officer, resulting in two violations of Louisiana Revised Statutes (La. R.S.) 42:1111(A)(l)(a). In accordance with La. R.S. 42:1153(B), Grayson W. Washington is penalized \$2,000 for the two violations of La. R.S. 42:1111(A)(1)(a). In accordance with La. R.S. 42: 1155(A), Grayson W. Washington is penalized \$307.74 for the two violations of La. R.S. 42:1111(A)(1)(a).

APPEARANCES

On January 16, 2025, an adjudicatory hearing in this matter was held at the Division of Administrative Law in Baton Rouge, Louisiana, before the Ethics Adjudicatory Board, Panel B.¹ Charles E. Reeves, Jr., appeared as counsel for the Louisiana Board of Ethics. Rachel Lambert, Development Director for the City of Baton Rouge, appeared as a witness for the Louisiana Board of Ethics. Grayson W. Washington appeared as a self-represented litigant.

¹ The panel consisted of administrative law judges Greta Gilmore (presiding), Monique D. Baham, and Anthony J. Russo.

JURISDICTIONAL AUTHORITY

This adjudication is conducted in accordance with Louisiana Code of Governmental Ethics, La. R.S. 42:1101 *et seq.*, the Administrative Procedure Act, La. R.S. 49:950 *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991 *et seq.*

STATEMENT OF THE CASE

On March 12, 2024, the Louisiana Board of Ethics (BOE) issued *Charges* against Grayson W. Washington (Respondent) and requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent violated the Louisiana Code of Governmental Ethics (Ethics Code).

In its *Charges*, the BOE alleged that Respondent was a public employee who, on two occasions, violated La. R.S. 42:1111(A)(1)(a) by receiving a thing of economic value, other than his compensation and salary, from the City of Baton Rouge - Department of Development's Permits and Inspection Division through his position as Chief Code Enforcement Officer. Specifically, the BOE alleged that Respondent improperly received cash payments and compensatory time for alleged inspections of two properties located in Baton Rouge, Louisiana.

At the hearing, the BOE offered 34 exhibits, all of which were admitted into evidence.² Ms. Lambert testified on behalf of the BOE, and Respondent was given an opportunity to cross-examine the witness. Mr. Reeves conducted redirect examination of the witness. The BOE rested.

Respondent testified that all work he performed was in furtherance of his duties as Chief Code Enforcement Officer with the City of Baton Rouge and that the cash payment he received was a payment for "popcorn balls" he sold to one of the owners of the properties he inspected. Respondent testified that although he had no specific recollection of the inspections of the two

² BOE-1 through BOE-34.

properties referenced by the BOE, he would often use his personal vehicle to perform inspections for his employer. Respondent testified that he does not recall whether he used his personal vehicle to perform inspections on the properties that are the subject of these proceedings. Mr. Reeves cross-examined Respondent. Respondent rested.

The record was closed, and the matter was taken under advisement for a determination of whether the BOE proved that Respondent violated the provisions of La. R.S. 42:1111(A)(1)(a) and, if so, the appropriate penalties, if any, to be assessed.

FINDINGS OF FACT

On December 28, 2015, Respondent was hired by the City of Baton Rouge - Department of Development's Permit and Inspection Division (PID) as a Code Enforcement Officer.³ On April 25, 2020, PID promoted Respondent to the position of Chief Code Enforcement Officer, a position he continuously served in until Respondent's resignation on February 13, 2023.⁴ Rachel Lambert, Development Director for the City of Baton Rouge, supervised Respondent in the performance of his employment duties as Chief Code Enforcement Officer.⁵

As Chief Code Enforcement Officer, Respondent's job duties included, but were not limited to:

- (a) Develops routine operating procedures relating to the review and approval of plans and specifications for construction, the issuance of appropriate permits, and other miscellaneous operation subject to the approval of the Building Official;
- (b) Recommends approval or rejection of plans, specifications, and applications;
- (c) Ensures that all new and existing projects comply with established codes, regulations, ordinances, and plans;
- (d) Approves issuance of permits and licenses to viable applicants;
- (e) Follows-up on complaints, violations, and ensures their satisfactory completion; reviews letters of violations; and
- (f) Inspects buildings or structures to conformity to the conditions of the permit.⁶

³ BOE-3.

⁴ BOE-4 and BOE-5.

⁵ Testimony of Ms. Lambert.

⁶ BOE-6.

Respondent received \$45,159.85 in compensation from PID for the tax year 2020; \$47,488.44 in employment income from PID for the tax year 2021, and \$49,620.65 for the tax year 2022.⁷

El Scott Property

Trevis Williams, owner of property located at 9734 El Scott Avenue, Baton Rouge, Louisiana, 70811 (“El Scott Property”) applied for a permit to perform remodeling work on the El Scott Property.⁸ The application was assigned project number 107504.⁹

As part of his job duties, Respondent was responsible for inspecting the El Scott Property.¹⁰ On June 10, 2021, Respondent sent a text message on his PID-issued iPad to Mr. Williams asking for the address of the El Scott Property.¹¹ Mr. Williams responded to Respondent’s text message, providing the address for the El Scott Property and notifying Respondent that Respondent could access the property.¹²

Respondent generated a report in the PID database that his inspection of the El Scott Property was completed and that it passed inspection.¹³ The report indicated that Respondent personally conducted the inspection, and that the inspection was completed on June 10, 2021, at 9:40 a.m.¹⁴

Global Positioning System (GPS) data obtained from Respondent’s work-issued vehicle indicated that the vehicle was never located at the El Scott Property on June 10, 2021.¹⁵ The GPS

⁷ BOE-7.

⁸ BOE-20.

⁹ *Id.*

¹⁰ Testimony of Ms. Lambert.

¹¹ BOE-21.

¹² *Id.*

¹³ BOE-20, p. 8.

¹⁴ BOE-24.

¹⁵ BOE-33.

data showed Respondent's work-related vehicle was located at PID on June 10, 2021, from 8:00 a.m. until 10:00 a.m.¹⁶

Text messages between Respondent and Mr. Williams subsequent to the passed inspection showed Mr. Williams made a \$100 payment to Respondent, utilizing "Cash App" on June 10, 2021.¹⁷ On June 10, 2021, Mr. Williams sent Respondent a text message stating, "appreciate you boss."¹⁸ Respondent retained the \$100 payment received from Mr. Williams for his personal benefit and did not tender it to PID.¹⁹

Catalpa Drive Property

On June 29, 2022, the residential property located at 11342 Catalpa Drive, Baton Rouge, Louisiana, 70815, lost electrical power ("Catalpa Drive Property").²⁰ Larry Cooper, owner of the Catalpa Drive Property, retained an electrical company – Buffalo Electric, Inc. – to restore power to the Catalpa Drive Property.²¹ On June 29, 2022, an employee of the electrical company applied for a permit from PID through its online portal.²² The application was assigned project number 138175.²³

Since the application was the type that required an inspection from PID, Mr. Cooper called PID and requested contact information for PID's on-call inspector, as Mr. Cooper believed the work could not be completed during business hours.²⁴ Respondent was assigned as inspector of the Catalpa Drive Property as he was the on-call inspector for the time period of June 25, 2022, to July 8, 2022.²⁵

¹⁶ *Id.*

¹⁷ BOE-21, p. 2.

¹⁸ *Id.*

¹⁹ Testimony of Ms. Lambert.

²⁰ *Id.*

²¹ BOE-8.

²² *Id.*

²³ *Id.*

²⁴ Testimony of Ms. Lambert.

²⁵ BOE-9; Testimony of Ms. Lambert.

On June 29, 2022, at 2:29 p.m., Mr. Cooper sent a text message to Respondent on Respondent's PID-issued cell phone requesting Respondent call him.²⁶ Mr. Cooper was later notified that the electrical company had completed work on the Catalpa Drive Property.²⁷ Mr. Cooper notified Respondent that work had been completed, and that the Catalpa Drive Property was awaiting inspection by Respondent.²⁸ On June 29, 2022, at 10:29 p.m., Respondent sent a text message to Mr. Cooper, informing him that the property was "up and running."²⁹

Respondent applied for 4.00 hours of compensatory time for after-hours work performed on June 29, 2022, for the Catalpa Drive Property.³⁰ Respondent was paid \$105.16 for the compensatory hours he claimed.³¹ However, PID records do not show that any inspection was performed on the Catalpa Drive Property by Respondent or any other individual on June 29, 2022, or any other date.³² Respondent's PID-issued vehicle was never at the Catalpa Drive Property location on June 29, 2022.³³ Respondent's PID-issued vehicle was located at PID offices the entire work day on June 29, 2022.³⁴ Mr. Cooper did not pay for the residential electrical permit, plus associated fees, until July 7, 2023.³⁵

Respondent resigned his position with PID, effective February 13, 2023.³⁶

²⁶ BOE-10.

²⁷ Testimony of Ms. Lambert.

²⁸ *Id.*

²⁹ BOE-10.

³⁰ BOE-17.

³¹ Testimony of Ms. Lambert; Respondent's hourly rate of \$26.29 x 4.00 hours of compensatory hours claimed by Respondent.

³² BOE-11.

³³ BOE-13 and BOE-15.

³⁴ BOE-15.

³⁵ BOE-19.

³⁶ BOE-5; Testimony of Ms. Lambert.

CONCLUSIONS OF LAW

The BOE proved by clear and convincing evidence that Respondent was a “public servant.”³⁷ The BOE proved by clear and convincing evidence that Respondent committed two violations of La. R.S. 42:1111(A)(1)(a): (1) by receiving things of economic value, a cash payment for his personal use, which was not part of the compensation and benefits he received from PID for providing services as Chief Code Enforcement Officer for PID; and (2) payment of compensatory time by PID for work he did not complete as Chief Code Enforcement Officer for PID.

The EAB is charged with determining whether the BOE has established by clear and convincing evidence that a violation of the Ethics Code has occurred, and if so, what penalties or sanctions, if any, should be imposed.³⁸ Clear and convincing evidence is an intermediate standard of persuasion requiring more proof than a preponderance of the evidence but less proof than required to establish guilt beyond a reasonable doubt.³⁹ The existence of the disputed fact must be much more probable than its nonexistence.⁴⁰

“Public servant” under the Louisiana Code of Governmental Ethics

For purposes of the Ethics Code, a “public servant” is a public employee or an elected official. The Ethics Code defines “public employee” as “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, either as a member of an agency, or as an employee; (iii) engaged in the performance

³⁷ La. R.S. 42:1102(19) provides that a “public servant” means a “public employee.”

³⁸ La. R.S. 42:1141.5.

³⁹ *La. State Bar Ass’n. v. Edwins*, 329 So. 2d 437, 441 (La. 1976).

⁴⁰ *Id.*, at page 442.

of a governmental function; or (iv) under the supervision or authority of an elected official or another employee of the governmental entity.”⁴¹

PID is a governmental entity. Respondent was a public employee because he was employed as Chief Code Enforcement Officer for PID. The BOE proved by clear and convincing evidence that Respondent was a public servant by establishing that he was a public employee of PID, a governmental entity.

Violations of La. R.S. 42:1111(A)(1)(a)

The BOE alleged that Respondent violated La. R.S. 42:1111(A)(1)(a) when he received a cash payment of \$100 from the owner of the El Scott Property for performing an inspection that was not documented in PID’s records, as well as applying for and receiving four hours of compensatory time for work he did perform after hours on the Catalpa Drive Property, even though no such inspection was performed.

La. R.S. 42:1111(A)(1)(a) provides:

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.

During the time Respondent was a public servant, he was prohibited from receiving anything of economic value, other than compensation and benefits, for the performance of his job duties and responsibilities of his position.⁴²

El Scott Property

Respondent received a cash app payment of \$100 from the owner of the El Scott Property for an inspection he performed on June 10, 2021. BOE proved that Respondent received the \$100

⁴¹ La. R.S. 42:1102(18)(a).

⁴² La. R.S. 42:1111(A)(1)(a).

payment on the same day he generated a report in the PID database stating that his inspection of the El Scott Property was completed and that the property passed inspection. PID's records do not show that Respondent's work-issued vehicle was ever located at the El Scott Property on the date and time the inspection was allegedly completed but was at PID's offices on that date and time.

Respondent's testimony that the \$100 payment was for popcorn balls is not credible. The date of the cash app payment coincides with the date that Respondent allegedly performed work on the property owned by the person who sent the \$100 payment. Respondent provided no evidence to dispute that Respondent kept this money for his personal use and did not turn the funds over to PID.

PID's records show there were communications between Respondent and the owner of the El Scott Property on the date of the payment and alleged inspection by Respondent, but those documents do not show that Respondent was at the location of the El Scott Property on the date and time the inspection was allegedly completed.

The tribunal finds that the BOE proved this violation of La. R.S. 42:1111(A)(1)(a) by clear and convincing evidence.

Catalpa Drive Property

BOE proved that Respondent received \$105.16 in compensatory pay for four hours of work he allegedly performed after hours on the Catalpa Drive Property on June 29, 2022. BOE proved that Respondent never performed an on-site inspection of the property after hours on June 29, 2022, or on any other date. PID records do not show any evidence that an inspection was performed on-site at the Catalpa Drive Property by Respondent, or anyone else, on June 29, 2022, or that Respondent's state-issued vehicle was at the property on that date.

The tribunal finds that the BOE proved by clear and convincing evidence that Respondent applied for and received \$105.16 in compensatory time pay for an inspection that Respondent never performed at the Catalpa Drive Property.

PENALTIES

Penalties under La. R.S. 42:1153(B)

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

Upon a determination that any public employee or other person has violated any provision of any law within the jurisdiction of the Board of Ethics, except violations of the Campaign Finance Disclosure Act which shall be governed by Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, 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.

The evidence supports findings that Respondent committed two violations of La. R. S. 42:1111(A)(1). The violations amounted to an abuse of the public office of which Respondent had been entrusted. Respondent is no longer employed by PID, such that other sanctions provided by La. R.S. 42:1153(B) are not available.

Taking these factors into account, the violations of La. R.S. 42:1111(A)(1) for accepting a \$100 cash payment from the owner of the El Scott Property for Respondent's personal use and charging/receiving \$105.16 in compensatory time from PID for Respondent's personal use for work he never performed on the Catalpa Drive Property, a fine of \$1,000 for each violation under La. R.S. 42:1153(B) is imposed, for a total of \$2,000, which is commensurate with Respondent's misconduct.⁴³

⁴³ *Villanueva v. Comm'n on Ethics for Pub. Emps.*, 98-0980 (La. App. 1 Cir. 5/18/99), 812 So. 2d 1.

Penalties under La. R.S. 42:1155(A)

Respondent may also be assessed penalties pursuant to La. R.S. 42:1155(A), which provides:

If an investigation conducted pursuant to this Part 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.

The Louisiana First Circuit Court of Appeal has interpreted the phrase “economic advantage” to mean the profits derived by the person from the prohibited conduct, consisting of the price received by the person, minus the direct expenses attributable to prohibited conduct, for which evidence is provided in the record.⁴⁴ Applying the First Circuit’s interpretation, the phrase “economic advantage” in this matter means the gain/profits derived by Respondent as Chief Compliance Officer for PID from his prohibited transactions.

The tribunal found no evidence that Respondent made reimbursement of the \$100 cash payment or \$105.16 payment for four hours of compensatory time. Respondent received benefits totaling \$205.16, in which he maintained for his personal use. Respondent gained an economic advantage of \$205.16. Therefore, the tribunal assesses a penalty of \$307.74 under La. R.S. 42:1155(A).⁴⁵

[SPACE INTENTIONALLY LEFT BLANK—ORDER TO FOLLOW]

⁴⁴ *Id.*

⁴⁵ $\$205.16 \times 1.5 = \$307.74$.

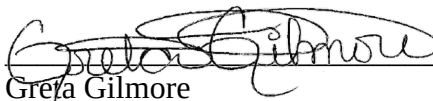
ORDER

IT IS ORDERED that Grayson W. Washington committed two violations of Louisiana Revised Statutes 42:1111(A)(l)(a) by receiving a cash payment of \$100 for his personal use and \$105.16 for four hours of compensatory time to which he was not entitled for work in connection with his position as Chief Compliance Officer for the City of Baton Rouge - Department of Development's Permits and Inspection Division.

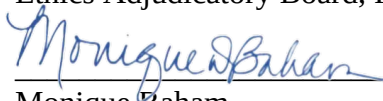
IT IS FURTHER ORDERED that, in accordance with Louisiana Revised Statutes 42:1153, a fine in the amount of \$2,000 is imposed against Grayson W. Washington for violating Louisiana Revised Statutes 42:1111(A)(l)(a).

IT IS FURTHER ORDERED that, in accordance with Louisiana Revised Statutes 42:1155(A), a penalty in the amount of \$307.74 is assessed against Grayson W. Washington for violating Louisiana Revised Statutes 42:1111(A)(1)(a).

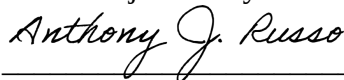
Rendered and signed on February 24, 2025, in Baton Rouge, Louisiana.



Greja Gilmore
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel B



Monique Baham
Administrative Law Judge
Ethics Adjudicatory Board, Panel B



Anthony Russo
Administrative Law Judge
Ethics Adjudicatory Board, Panel B

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, February 25, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

REVIEW RIGHTS

This is the final decision of the Ethics Adjudicatory Board. You may seek rehearing or reconsideration of this decision, subject to the grounds for and time limitations provided in Louisiana Revised Statutes 49:977.1. A request for rehearing must be sent to one of the addresses listed below.

EMAIL: EABprocessing@adminlaw.la.gov

FAX: (225) 342-1812

HAND DELIVERY TO:

1020 Florida Street, Baton Rouge, LA 70802

MAIL:

Division of Administrative Law

ATTN: Ethics Adjudicatory Board

P.O. Box 44033

Baton Rouge, LA 70804-4033

You have the right to appeal this decision to the Court of Appeal, First Circuit, in accordance with Louisiana Revised Statutes 42:1142. You must file a written motion for appeal with the Ethics Adjudicatory Board within thirty (30) days after the transmittal of notice of this decision.