

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

BOARD OF ETHICS

*** DOCKET NO. 2022-7339-ETHICS-A**

IN THE MATTER OF

KEVIN WILSON

*** AGENCY TRACKING NO. 2021-751**

DECISION AND ORDER

The Louisiana Board of Ethics charged Kevin Wilson with violating the Code of Governmental Ethics. The Louisiana Board of Ethics proved by clear and convincing evidence that Kevin Wilson was employed by a governmental agency for which his biological brother was the agency head, in violation of Louisiana Revised Statutes (La. R.S.) 42:1119. In accordance with La. R.S. 42:1153(B), a fine of \$2,500 is assessed against Kevin Wilson.

APPEARANCES

An adjudicatory hearing was conducted on August 10, 2023, at the Division of Administrative Law (DAL) in Baton Rouge, Louisiana, before Panel A of the Ethics Adjudicatory Board (EAB).¹ Tracy Barker appeared as counsel on behalf of the Louisiana Board of Ethics (BOE). Although duly noticed, Kevin Wilson did not appear for the hearing.²

JURISDICTIONAL AUTHORITY

The Ethics Adjudicatory Board (EAB) is a legislatively created board, as contemplated by Article X, Section 21 of the Louisiana Constitution. The EAB has original jurisdiction under La. R.S. 42:1141.5 to determine whether violations of the Code of Governmental Ethics, La. R.S.

¹ Panel A of the Ethics Adjudicatory Board consists of administrative law judges Michele L. Staggs (presiding), Cazeline G. Hebert, and Stephanie E. Robin.

² Notice of the hearing was sent by the Administrative Hearings Clerk for DAL to Kevin Wilson's last known address of 2035 Sauvage Avenue, Marrero, Louisiana 70072 on May 23, 2023. The hearing notice was not returned to DAL as undelivered.

42:1101 *et seq.*, have occurred.

This adjudication is conducted in accordance with the 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

The BOE alleged that Kevin Wilson violated La. R.S. 42:1119 of the Louisiana Code of Governmental Ethics, which provides that no member of the immediate family of an agency head shall be employed by his agency. Specifically, the BOE contends that Kevin Wilson was employed as a Lead Maintenance Mechanic and Maintenance Tech with the International Charter School while his brother, Trisean “Sean” Wilson, was Head of School. The BOE seeks appropriate penalties in accordance with the Louisiana Code of Governmental Ethics. The BOE offered its exhibits, labeled BOE-1 and BOE-1A through BOE-1G, which were admitted into evidence.

During the hearing, the tribunal requested that the BOE supplement its evidence regarding BOE Exhibit-1E, pp. 181-182, with a more legible copy to the DAL no later than 4:30 p.m. on August 11, 2023.³ The record closed on August 15, 2023.

FINDINGS OF FACT

On July 31, 2009, Voices for International Business and Education (VIBE), was incorporated as a nonprofit corporation for the purpose of operating the International Charter School, in accordance with all laws applicable to charter schools in Louisiana.⁴ On July 1, 2015, VIBE entered into a Charter School Contract with the Louisiana Board of Elementary and

³ The record reflects that the BOE submitted a legible copy of the requested pages from BOE Exhibit-1E on August 15, 2023. The supplemental document is marked by the tribunal as BOE-2 and admitted into evidence. The tribunal held the record open until August 15, 2023, to accept and admit BOE-2 as evidence as there was no objection from Kevin Wilson nor does the admittance of the BOE’s supplemental document into the evidence unduly prejudice Kevin Wilson in this matter.

⁴ BOE-1A, p. 1.

Secondary Education (BESE).⁵ The contract provided that VIBE would be the Charter Operator for the International Charter School.⁶ A Renewal Charter Contract regarding operation of the International Charter School was entered into between VIBE and BESE on July 1, 2021.⁷

Trisean “Sean” Wilson served as Head of School for the International Charter School from July 1, 2014, through his last day of employment on May 30, 2022.⁸ While Head of School for the International Charter School, Trisean “Sean” Wilson, was responsible for, among other things, employment decisions for the International Charter School, including hiring charter school personnel.⁹

Kevin Wilson is the biological brother of Trisean “Sean” Wilson.¹⁰ Kevin Wilson was employed with the International Charter School as Lead Maintenance Mechanic and Maintenance Tech from December 7, 2020, through his last date of employment on August 13, 2021.¹¹ Kevin Wilson was paid a total of \$26,475.58 during his employment with the International Charter School.¹²

CONCLUSIONS OF LAW

The BOE provided clear and convincing evidence that Kevin Wilson violated La. R.S. 42:1119.

Standard of Proof

The EAB is charged with determining whether a violation occurred, and if so, what

⁵ BOE-1C.

⁶ *Id.*

⁷ BOE-1D.

⁸ BOE-1G.

⁹ BOE-1F.

¹⁰ BOE-1F and BOE-1G. On April 6, 2023, Trisean “Sean” Wilson, entered into Consent Opinion and Order with the BOE, acknowledging his violation of La. R.S. 42:1119 for the employment of his biological brother by the International Charter School while he served as Head of School. *See* BOE-1G.

¹¹ BOE-1E, pp. 180-185, BOE-1G, and BOE-2.

¹² BOE-1E, pp. 186-187.

penalties or sanctions, if any, will be imposed.¹³ The standard of proof in a hearing under the Louisiana Code of Governmental Ethics is that the evidence must be “clear and convincing.”¹⁴ Clear and convincing evidence is an intermediate standard of persuasion, which requires more than a preponderance of the evidence, but less than proof beyond a reasonable doubt; the existence of the disputed fact must be much more probable than its nonexistence.¹⁵

Violation of La. R.S. 42:1119

The Louisiana Code of Governmental Ethics states that no member of the immediate family of an agency head shall be employed by his agency.¹⁶ A charter school, the school’s officers and employees are subject to the provisions of the Louisiana Code of Governmental Ethics.¹⁷ An “agency head” is defined as the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.¹⁸ “Immediate family” as the term relates to a public servant includes brothers.¹⁹

Trisean “Sean” Wilson served as Head of School for the International Charter School from 2014 through 2022. As Head of School, Trisean “Sean” Wilson acted as the agency head over the charter school. Kevin Wilson is the biological brother, an immediate family member, of Trisean “Sean” Wilson. During Trisean “Sean” Wilson’s tenure as Head of School, Kevin Wilson was employed by the International Charter School from December 2020 through August 2021 as a Lead Maintenance Mechanic and as a Maintenance Tech. Kevin Wilson violated La. R.S. 42:1119 because he was employed at the International Charter School while his brother, an immediate family member, served as Head of School for the International Charter School.

¹³ La. R.S. 42:1141.5(B).

¹⁴ La. R.S. 42:1141.5(C).

¹⁵ *La. State Bar Ass’n. v. Edwins*, 329 So. 2d 437 (La. 1976).

¹⁶ La. R.S. 42:1119(A).

¹⁷ La. R.S. 17:3996(B)(20).

¹⁸ La. R.S. 42:1102(3).

¹⁹ La. R.S. 42:1102(13).

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.

Upon a finding by clear and convincing evidence that Kevin Wilson did violate the provisions of La. R.S. 42:1119 of the Louisiana Code of Governmental Ethics. The evidence supports a finding that Kevin Wilson be assessed a fine of \$2,500.

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

Kevin Wilson 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.

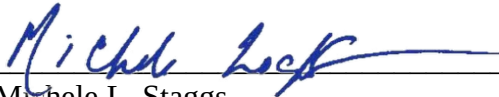
Under La. R.S. 42:1155(A), this additional penalty is discretionary, not required to be imposed, and, if imposed, can range from a *de minimis* amount to an amount that is one and one half of the economic advantage.

As part of its prayer for relief, the BOE seeks appropriate penalties in accordance with the Louisiana Code of Governmental Ethics, which may include additional penalties pursuant La. R.S. 42:1155(A). A review of the evidence supports a finding that Kevin Wilson's \$2,500 fine, assessed in accordance with La. R.S. 42:1153(B), is sufficient for his violation of La. R.S. 42:1119, and that the assessment of additional penalties under La. R.S. 42:1155(A) is not warranted.

ORDER

IT IS ORDERED that Kevin Wilson violated La. R.S. 42:1119 of the Louisiana Code of Governmental Ethics and is assessed a fine of \$2,500 for the violation, pursuant to La. R.S. 42:1153(B).

Rendered and signed on September 22, 2023, in Baton Rouge, Louisiana.



Michele L. Staggs
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel A
Division of Administrative Law



Cazeline G. Hebert
Administrative Law Judge
Ethics Adjudicatory Board, Panel A
Division of Administrative Law



Stephanie E. Robin
Administrative Law Judge
Ethics Adjudicatory Board, Panel A
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, September 25, 2023, 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.