

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

BOARD OF ETHICS

IN THE MATTER OF

RANDY BOYD

*** DOCKET NO. 2023-0856-ETHICS-B**

*** AGENCY TRACKING NO. 2021-946
and 2022-489**

DECISION AND ORDER

The Louisiana Board of Ethics charged Randy Boyd with two violations of Louisiana Revised Statutes (La. R.S.) 42:1170(A)(3)(a)(i) by virtue of his failing to complete mandatory one-hour ethics training courses for calendar years 2020 and 2021. The Louisiana Board of Ethics proved by clear and convincing evidence that Randy Boyd failed to complete the mandatory one-hour ethics training courses for 2020 and 2021 in violation of La. R.S. 42:1170(A)(3)(a)(i). In accordance with La. R.S. 42:1153(B), a fine of \$150 for each year that he failed to complete the mandatory courses, for a total of \$300, is imposed against Randy Boyd.

APPEARANCES

An adjudicatory hearing was conducted on July 25, 2023, at the Division of Administrative Law in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Tracy Barker appeared as counsel on behalf of the Louisiana Board of Ethics (BOE). Although duly noticed, Randy Boyd (Respondent) 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.

¹ Panel B of the Ethics Adjudicatory Board consists of administrative law judges Anthony Russo (presiding), Monique D. Baham, and Greta Gilmore.

² On May 22, 2023, notice of the date and time of the hearing was sent to Mr. Boyd, via U.S. Mail, at his last known address, 1624 South 4th Street, Monroe, Louisiana 71202.

R.S. 42:1141.5 to determine whether violations of the Code of Governmental Ethics, La. R.S. 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 issued *Charges* against Randy Boyd on January 27, 2023, and requested a hearing to have the EAB determine whether he violated certain provisions of the Louisiana Code of Governmental Ethics (Ethics Code).

In the *Charges*, the BOE alleged that Respondent was a public employee who violated La. R.S. 42:1170(A)(3)(a)(i) by failing to take the mandatory annual training on the Ethics Code for calendar years 2020 and 2021. At the hearing, BOE's exhibits BOE-1 through BOE-8 were admitted into evidence. The record closed on July 25, 2023, and the matter was taken under advisement for a determination of whether Respondent violated La. R.S. 42:1170(A)(3)(a)(i) and, if so, the applicable penalties for those violations pursuant to La. R.S. 42:1153(B).

FINDINGS OF FACT

Respondent began his employment with the City of Monroe as a Parks and Grounds Caretaker on July 24, 2017.³ Respondent has been continuously employed with the City of Monroe since July 24, 2017.⁴ Respondent failed to take his mandatory annual ethics training for calendar years 2020 and 2021.⁵

On May 6, 2021, a *Notice of Failure to Complete 2020 Ethics Training* was issued to

³ BOE-3, p. 9.

⁴ BOE-2, p. 10.

⁵ BOE-1, p. 2.

Respondent.⁶ The notice provided instructions on how Respondent could complete the mandatory training.⁷ The notice instructed Respondent to complete the mandatory training within 30 days from the date of the correspondence.⁸ Respondent did not complete the mandatory training by June 6, 2021, which was 30 days after the notice was sent.⁹

On August 2, 2021, a *Final Notice of Failure to Complete 2020 Ethics Training* was issued to Respondent, via certified mail, advising him that he must complete the mandatory training within 45 business days of the date of the mailing.¹⁰ Respondent was advised in the certified letter that failure to complete the mandatory ethics training on or before the 45-day deadline would result in a violation of the Ethics Code.¹¹ The certified letter also advised Respondent that penalties may be imposed if he did not complete the mandatory training within the 45-day deadline.¹² Respondent did not complete the mandatory training within the 45-business day period.¹³

On February 4, 2022, a *Notice of Failure to Complete 2021 Ethics Training* was issued to Respondent.¹⁴ The notice provided instructions on how to complete the mandatory training and notified him that the training had to be completed within 30 days of the date of the notice.¹⁵ Respondent did not complete the required training by March 7, 2022, the 30-day deadline from the date of the notice.¹⁶

On May 3, 2022, a *Final Notice of Failure to Complete 2021 Ethics Training* was issued, via certified mail, to Respondent.¹⁷ The Final Notice advised Respondent that he must complete

⁶ BOE-4.

⁷ *Id.*

⁸ *Id.*

⁹ BOE-1.

¹⁰ BOE-5.

¹¹ *Id.*

¹² *Id.*

¹³ BOE-1.

¹⁴ BOE-6.

¹⁵ *Id.*

¹⁶ BOE-1.

¹⁷ BOE-7.

the mandatory training within 45 business days of the date of the mailing.¹⁸ Respondent was advised that failure to complete the mandatory training on or before the 45-day deadline would result in a violation of the Ethics Code and penalties may be imposed.¹⁹ Respondent failed to complete the required training within the 45-business day period.²⁰

Respondent completed a one-hour training on the Code of Ethics on October 19, 2022.²¹

CONCLUSIONS OF LAW

The BOE proved by clear and convincing evidence that Respondent was a “public employee” pursuant to the provisions of La. R.S. 42:1102(18). The BOE proved by clear and convincing evidence that Respondent committed two violations of La. R.S. 42:1170(A)(3)(a)(i) by failing to complete his mandatory training under the Ethics Code for the calendar years 2020 and 2021. The EAB is authorized to assess appropriate penalties under the provisions of La. R.S. 42:1153(B).

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.²² 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.²³ The existence of the disputed fact must be much more probable than its nonexistence.²⁴

“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

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ BOE-1.

²¹ BOE-8.

²² La. R.S. 42:1153(B).

²³ *La. State Bar Ass’n. v. Edwins*, 329 So. 2d 437, 441 (La. 1976).

²⁴ *Id.*, at page 442.

official. The Ethics Code defines “public employee” as:

[A]nyone, 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 of a governmental function; or (iv) under the supervision or authority of an elected official or another employee of the governmental entity.²⁵

The City of Monroe is a governmental entity. Respondent was a public employee because he was employed as Parks and Grounds Caretaker for the City of Monroe. The BOE proved by clear and convincing evidence that Respondent was a public servant by establishing that he was a public employee of a governmental entity.

Violation of La. R.S. 42:1170(A)(3)(a)(i)

The BOE alleged that Respondent violated La. R.S. 42:1170(A)(3)(a)(i) because he failed to take the mandatory one hour of training on the Code of Ethics for the calendar years 2020 and 2021.

La. R.S. 42:1170(A)(3)(a)(i) provides:

Commencing on January 1, 2012, each public servant who was not required to complete education and training pursuant to Paragraph (1) or (2) of this Subsection shall receive a minimum of one hour of education and training on the Code of Governmental Ethics during each year of his public employment or term in office, as the case may be.

During the time Respondent was a public servant, he was required to complete a minimum of one hour of education and training on the Ethics Code during each year of his public employment. Respondent did not complete the required minimum one hour of training under the Ethics Code for calendar years 2020 and 2021. Respondent violated the provisions of La. R.S. 42:1170(A)(3)(a)(i). Respondent was provided the requisite notice, via certified mail, pursuant to

²⁵ La. R.S. 42:1102(18)(a).

La. R.S. 42:1170(E)(2). Therefore, the EAB may impose penalties for the violations pursuant to La. R.S. 42:1153(B).

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 a finding that Respondent committed two violations of La. R.S. 42:1170(A)(3)(a)(i). The EAB has considered the facts and circumstances surrounding Respondent's violations, including Respondent's length of employment with the City of Monroe, as well as his satisfactory completion of the required ethics training for all other years since he was hired in 2017, including completion of his mandatory training for calendar year 2022.

Taking these factors into account, a fine of \$150 for each of the violations of La. R.S. 1170(A)(3)(a)(i), for a total of \$300, is appropriate and is commensurate with Respondent's violations.

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ORDER

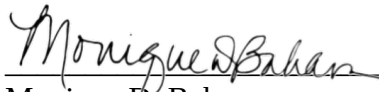
IT IS ORDERED that Randy Boyd committed two violations of Louisiana Revised Statutes 42:1170(A)(3)(a)(i) by failing to complete mandatory training under the Louisiana Code of Governmental Ethics for the calendar years 2020 and 2021.

IT IS FURTHER ORDERED that, in accordance with Louisiana Revised Statutes 42:1153(B), a fine in the amount of \$150 for each of the two violations, or a total of \$300, is imposed against Randy Boyd for violating Louisiana Revised Statutes 42:1170(A)(3)(a)(i).

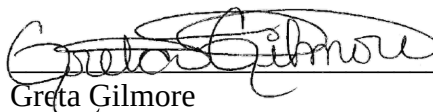
Rendered and signed on August 28, 2023, in Baton Rouge, Louisiana.



Anthony J. Russo
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel B



Monique D. Baham
Administrative Law Judge
Ethics Adjudicatory Board, Panel B



Greta Gilmore
Administrative Law Judge
Ethics Adjudicatory Board, Panel B

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, August 29, 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.