

STATE OF LOUISIANA

DIVISION OF ADMINISTRATIVE LAW

LOUISIANA BOARD OF ETHICS * DOCKET NO.
*
IN THE MATTER OF *
*
LATOYA CANTRELL * AGENCY TRACKING NO. 2022-629

CHARGES

The Louisiana Board of Ethics (hereinafter referred to as the "BOE"), voted on October 5, 2023 to, and does hereby, file the following Charges:

I. RESPONDENT

Made Respondent herein is:

LaToya Cantrell, a person of the full age of majority, domiciled in the Parish of Orleans with a last known address of 3623 Louisiana Avenue Parkway, New Orleans, Louisiana, 70125.

II. JURISDICTION

2.

The BOE is an agency of the State of Louisiana domiciled in East Baton Rouge Parish, Louisiana.

3.

The BOE is authorized to file these Charges by virtue of the provisions of La. R.S. 42:1141C(3)(a) and (b); the Ethics Adjudicatory Board has jurisdiction of this matter pursuant to La. R.S. 42:1141C(3)(a) and La. R.S. 42:1141.5; and East Baton Parish, the domicile of the BOE and Ethics Adjudicatory Board is the proper venue pursuant to La. R.S. 42:1141.3.

4.

In accordance with La. R.S. 42:1141C(3)(b)(iv), the BOE designated Tracy M. Barker, David Bordelon, Mallory Guillot, and Charles Reeves as the BOE's trial attorneys in this matter with David Bordelon serving as the Lead Trial Attorney.

III. ALLEGATIONS

5.

The City of New Orleans is governed by a Home Rule Charter ("Charter"), effective May 1, 1954, which provides for a Mayor -- Council form of government.

6.

LaToya Cantrell was elected Mayor of the City of New Orleans on November 18, 2017 and reelected on November 13, 2021. Her current term expires January 11, 2026. At all times relevant to this investigation, Ms. Cantrell served as Mayor of New Orleans.

7.

Article IV, Chapter 3, Section 4-302 of the Charter enumerates the duties of the City's Chief Administrative Officer ("CAO"), which states in pertinent part: "prescribe accepted standards of administrative practice to be followed by all offices, departments and boards." Article IV, Chapter 3, Section 4-302(5).

8.

City of New Orleans Chief Administrative Office Policy Memorandum No. 9(R) ("Travel Policy") promulgated by the Office of the Chief Administrator and the revisions in effect during the relevant time period state the following with regard to air travel by City employees:

"Employees are required to purchase the lowest airfare available."

(April 27, 2018, Travel Policy, Section III D; June 9, 2022 Travel Policy Section III E; and October 17, 2022 Travel Policy, Section IIIC1)

...

“Employees who choose an upgrade from coach, economy or business class flights are solely responsible for the difference in cost.”

(April 27, 2018, Travel Policy, Section III D; June 9, 2022 Travel Policy Section III E; and October 17, 2022 Travel Policy, Section III C1e)

9.

The Travel Policy provides two exceptions to the lowest-airfare policy:

For international flights that exceed 10 hours, the City will pay the expense of a business class flight at 110 percent of the cost of a coach flight.

(April 27, 2018, Travel Policy, Section III D3; June 9, 2022 Travel Policy Section III E2; and October 17, 2022 Travel Policy, Section III C1d)

...

The City will pay the expense of a flight upgrade if no other seats are available at the time of travel.

(April 27, 2018, Travel Policy, Section VII A; June 9, 2022 Travel Policy Section VI A; and October 17, 2022 Travel Policy, Section III C1e)

10.

The reconciliation of travel expenses which results in overpayment by the City requires that the employee reimburse the City within twenty (20) business days of the expiration of the travel period, the end of which is defined as “the last day of a non-routine meeting, seminar, conference or training.” (April 27, 2018, Travel Policy, Section VII A; June 9, 2022 Travel Policy Section VI A; and October 17, 2022 Travel Policy, Section III C1e)

11.

Between February 11, 2021 and August 23, 2022, Ms. Cantrell, in her capacity as Mayor, flew first class at the City’s expense on thirteen (13) domestic flights at rates higher than permitted by the City’s Travel Policy without timely reimbursing the City the amount each fare exceeded the permissible rates.

12.

Between those same dates, Ms. Cantrell, in her capacity as Mayor, flew first class at the City's expense on two (2) international trips to Europe at rates higher than permitted by the City's Travel Policy without timely reimbursing the City the amount each fare exceeded the permissible rates.

13.

The total cost difference between Ms. Cantrell's flight upgrades and rates permitted under the City's Travel Policy was \$28,856.99, as itemized on Exhibit A (attached).

14.

On or about September 27, 2022, Ms. Cantrell began paying for her upgraded flights if the fares did not qualify as a City expense under one of two flight-upgrade exceptions in the City's Travel Policy.

15.

On October 28, 2022, Ms. Cantrell reimbursed the City \$28,856.99 in full.

IV. PROVISIONS OF LAW

16.

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

17.

La. R.S. 42:1102 provides the following definitions:

- (9)** "Elected official" means any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate.

- (12) "Governmental entity" means the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.
- (19) "Public servant" means a public employee or an elected official.
- (22)(a) "Thing of economic value" means money or any other thing having economic value.

18.

La. R.S. 42:1153(A) provides the following with respect to penalties:

Upon a determination that any elected official 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 censure the elected official or person, or impose a fine of not more than ten thousand dollars, or both.

V. PRAYER FOR RELIEF

19.

Based on the facts alleged herein, LaToya Cantrell, in her capacity as Mayor for the City of New Orleans, violated La. R.S. 42:1111(A)(1)(a) by virtue of her receipt of first-class flight upgrades on fifteen (15) flights totaling \$28,856.99, which she was not duly entitled to receive pursuant to the City of New Orleans Travel Policy, for the performance of her duties as Mayor for City of New Orleans.

WHEREFORE, the Louisiana Board of Ethics respectfully prays that:

- (a) The Ethics Adjudicatory Board conduct a hearing on the foregoing charges;
- (b) The Ethics Adjudicatory Board determine that LaToya Cantrell violated La. R.S. 42:1111(A)(1)(a) on fifteen occasions, with respect to the foregoing alleged facts;
- (c) The Ethics Adjudicatory Board assess appropriate penalties in accordance with La. R.S. 42:1153; and,
- (d) The Ethics Adjudicatory Board send electronic notices in this matter to the Lead Trial Attorney as designated above.

[SIGNATURE CONTAINED ON FOLLOWING PAGE]

Respectfully Submitted by:

LOUISIANA BOARD OF ETHICS



David M. Bordelon, Bar Roll No. 32350

Lead Trial Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been forwarded to the Respondent via registered/certified mail, and/or to the attorney of record via electronic mail, on this 20th day of October, 2023.

RESPONDENT: LaToya Cantrell
3623 Louisiana Avenue Parkway
New Orleans, Louisiana 70125


David M. Bordelon

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EXHIBIT A

ITEMIZATION OF MS. CANTRELL'S FLIGHT UPGRADES

Trip Dates	Destination	Purpose	Class	Airfare	Lowest	Difference
2/11/2021	Washington D.C.	Meeting with White House to discuss local and state funds	First	\$970.80	\$855.00	\$115.80
2/12/2021						
9/29/2021	Washington D.C.	Meeting with Congressional Members	First	\$307.40	\$207.00	\$100.40
10/2/2021	Dayton, Ohio	U.S. Conference of Mayors 2021 Fall Leadership Meeting	First	\$991.10	\$399.40	\$591.70
11/14/2021	Washington D.C.	Bipartisan Infrastructure Investment and Jobs Act Signing	First	\$3,014.79	\$2,637.79	\$377.00
11/16/2021						
11/30/2021	Washington D.C.	Harvard Fellowship and Henry Crown's Fellowship African American Seminar	First	\$304.40	\$198.30	\$106.10
-						
12/5/2021						
12/10/2021	Washington D.C.	African American Mayors Association's Board Meeting	First	\$810.80	\$855.00	-\$44.20
12/11/2021						
1/18/2022	Washington D.C.	U.S. Conference of Mayors 90th Winter Meeting	First	\$2,279.80	\$855.00	\$1,424.80
-						
1/21/2022						
3/2/2023	Miami Beach, Florida	U.S. Conference of Mayors 2022 Winter Leadership Meeting	First	\$1,140.20	\$342.21	\$797.99
3/6/2022						
4/6/2022	San Francisco, California	American Bar Association's Section of Environment, Energy, and Resources 51st Spring Conference	First	\$2,806.20	\$454.20	\$2,352.00
-						
4/9/2022						
4/26/2022	Washington D.C.	African American Mayors Association Conference	First	\$1,016.20	\$855.00	\$161.20
4/28/2022						

5/8/2022 - 5/12/2022	Miami Beach, Florida	Aspen Ideas Climate Conference	First	\$1,135.20	\$577.20	\$558.00
6/1/2022 - 6/3/2022	Reno, Nevada	U.S. Conference of Mayors 90th Annual Meeting	First	\$3,401.20	\$1,315.19	\$2,086.01
6/22/2022 - 6/27/2022	Milan, Italy	Signing of New Orleans - Ascona, Switzerland, Sister Cities Agreement & Jazz Ascona "Sister Cities Edition"	Business/ First	\$9,710.07	\$2,500.07	\$7210.00
7/13/2022 - 7/17/2022	Nice, France	Signing of New Orleans - Antibes Juan-les-Pins, France, Sister Cities Agreement/Jazz a Juan Festival and French National Day Celebration	Business/ First	\$17,654.57	\$4,666.17	\$12,988.4
8/1/2022 - 8/23/2022	Washington D.C.	Meeting with U.S. Assistant Attorney General	First	\$887.19	\$855.00	\$32.19
					TOTAL:	\$28,857.39