

NEW IBERIA MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD

CITY OF NEW IBERIA

PARISH OF IBERIA

STATE OF LOUISIANA

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**FIRST SUPPLEMENTAL AND AMENDING  
PETITION FOR INVESTIGATION**

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1.

Petitioner Cassie Duhon, through undersigned counsel, respectfully submits this First Supplemental and Amending Petition for Investigation to the New Iberia Municipal Fire and Police Civil Service Board (the Board). Petitioner incorporates herein all factual allegations set forth in the original Petition for Investigation and supplements them as set forth below.

2.

Cassie Duhon is a citizen of the City of New Iberia, Iberia Parish, Louisiana, and a qualified elector domiciled therein. She brings this petition in that capacity.

This petition presents six independent grounds for investigation. The first arises entirely independent of Lt. Duhon's demotion and concerns conduct that may have predated it by years. The remaining five grounds arise from a connected course of conduct surrounding the demotion of Lt. Duhon from Captain to Lieutenant on October 21, 2025.

First, Petitioner alleges that Chief D'Albor may have misrepresented an employee's duties to the Municipal Police Officers' Supplemental Pay Board of Review, resulting in the possible unauthorized disbursement of state supplemental pay. Second, Petitioner alleges that the demotion may have constituted retaliation for Lt. Duhon's lawful disclosure of potential Brady material to the District Attorney's Office on September 9, 2025. Third, Petitioner alleges that approximately one year before the demotion, Chief D'Albor may have threatened Lt. Duhon with adverse action to discourage her from raising questions about the department's promotional process, establishing a pattern of improper personnel administration. Fourth, Petitioner alleges that the demotion may have been carried out on the basis of an interrogation that did not comply with the Louisiana Law Enforcement Officer Bill of Rights, rendering it a potential absolute nullity. Fifth, Petitioner alleges that Chief D'Albor may have employed the form of a working test rejection to accomplish the substance of discipline without the procedural protections the classified civil service requires. Sixth, Petitioner alleges that Chief D'Albor may have administered personnel policies inconsistently and in a manner that discriminated against Lt. Duhon on the basis of sex.

Each of these matters warrants investigation. Each falls within this Board's investigative authority. And each is brought before this Board by a citizen who has every right to be here. The investigation may reveal additional matters bearing on the administration of personnel within the department, and Petitioner does not intend the grounds set forth herein to limit the scope of the Board's investigative authority.

3.

This is a petition for investigation under La. R.S. 33:2477(4) and La. R.S. 33:2500(C), not an appeal of a disciplinary action. The Board's role in this proceeding is investigative, not adjudicative. Petitioner does not ask the Board to reverse the demotion, reinstate Lt. Duhon, or adjudicate the merits of any disciplinary charge. Petitioner asks only that the Board exercise its mandatory statutory duty to investigate the matters set forth herein and take such action as the law authorizes upon the completion of that investigation. The distinction is fundamental: Chief D'Albor's pre-investigation objection treats this petition as a contested disciplinary proceeding in which he is entitled to prevail before the investigation begins. The statute does not permit that. The Board's investigative authority is triggered by the petition itself, not by the outcome of any disciplinary process. La. R.S. 33:2501(A)'s fifteen-day deadline has no application to this proceeding. That provision governs an employee's demand for a hearing on corrective or disciplinary action and imposes a deadline on the employee, not on a citizen petitioner. La. R.S. 33:2477(4) contains no filing deadline whatsoever. The only time limit that provision imposes runs to the Board — investigations must be completed within sixty days of receipt of the petition. Chief D'Albor's invocation of La. R.S. 33:2501(A) conflates two entirely separate statutory proceedings. Lt. Duhon does not invoke the rights of a classified employee in this proceeding. She does not invoke her rights to due process, to a written statement of reasons, or to a hearing as a civil servant. She appears before this Board as a citizen of the City of New Iberia — a status she holds independent of her employment and one that no personnel action can extinguish. The rights she invokes are the rights of any citizen to petition this Board for an investigation into the administration of personnel in the municipal police service. Those rights belong to her not because she was demoted, but because she is a resident of this city.

## **I. BOARD AUTHORITY TO INVESTIGATE**

### **A. The Statute Imposes a Mandatory Duty Upon a Qualifying Petition**

4.

La. R.S. 33:2477 defines the duties of the Board. Subsection (4) provides that the Board shall, upon the written petition of any citizen for just cause, make any investigation concerning the administration of personnel or the compliance with the provisions of this Part. La. R.S. 33:2500(C) independently provides that the Board shall, upon the written request of any qualified elector setting out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service. *Smith v. Ruston Fire and Police Civil Service Bd.*, 939 So.2d 586 (La. App. 2d Cir. 2006), recognized that the Board retains discretion to determine whether just cause exists, but that discretion is not unlimited — the Board may not arbitrarily and capriciously refuse to conduct an investigation. In *Smith*, the court found no just cause on any of the three grounds presented: an alleged unlawful extension of the application deadline, a failure to publish notice the required number of times, and a challenge to the appointed fire chief's minimum qualifications — all arising from a single hiring process. The grounds presented in this petition are of an entirely different character: misrepresentation to a state pay board, retaliation for a lawful Brady disclosure, a prior retaliatory threat establishing a pattern of improper personnel administration, violation of the Louisiana Law Enforcement Officer Bill of Rights, the use of a working test rejection to circumvent the classified civil service's disciplinary protections, and sex-based compensation discrimination. Each ground, standing alone, presents just cause for

investigation. The Board's refusal to investigate any one of them would be arbitrary and capricious under the standard *Smith* established.

5.

La. R.S. 33:2500(C) further provides: 'Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon may render such judgment and order action to be taken by the appointing authority.' That provision independently compels the Board to act upon this petition. Chief D'Albor reads only the introductory clause of that provision and argues that the Board's investigative authority arises only in the context of corrective or disciplinary action he initiates. The full text does not support that reading. The statute authorizes the Board to investigate "the conduct and performance of any employee in the classified service" upon the written request of any qualified elector — language that extends well beyond the disciplinary context. The introductory clause acknowledges Chief D'Albor's primary role in initiating discipline; it does not limit the Board's independent investigative authority to disciplinary matters alone. Several of the grounds set forth in this petition predate or exist independently of the demotion — including the prior retaliatory threat, the equal pay violation, and the supplemental pay misrepresentation — none of which require a predicate disciplinary action to fall within the Board's investigative authority.

6.

Rule V, Section 3 of the New Iberia Municipal Fire and Police Civil Service Rules provides that written requests showing just cause for investigations shall be granted at the first board meeting following receipt, and that investigations conducted under La. R.S. 33:2477(4) and (5) shall be completed within sixty calendar days of the board's receipt of the request.

#### **B. The Threshold Elements Are Satisfied**

7.

The Board's jurisdictional inquiry requires three determinations: first, whether the petitioner submitted a written petition; second, whether the petitioner qualifies as a citizen within the meaning of the statute; and third, whether the petition alleges just cause.

8.

Petitioner Cassie Duhon submitted a written petition to the Board on or about January 20, 2026, and again through this filing. The Board received each submission in writing. The first element is satisfied.

9.

La. R.S. 33:2477(4) authorizes any citizen of the municipality to file a written petition with the Board requesting an investigation into the conduct of any officer or employee in the classified service. She satisfies the citizenship requirement for standing to petition this Board. She also holds a regular and permanent status in the classified police service of the City of New Iberia. The second element is satisfied. Duhon's status as a classified employee is not the source of her standing to bring this petition, and her demotion does not affect it. A working test rejection, a disciplinary demotion, or any other personnel action Chief D'Albor could take does not diminish her citizenship or her right to petition this Board. She was a citizen of New Iberia before she joined

the police department, she remains one now, and she presents here in that capacity alone. The Board's obligation to receive this petition and investigate its allegations rests on her citizenship, not on her rank.

10.

The third element requires the Board to determine whether the petition alleges just cause. At the jurisdictional stage, the Board does not weigh evidence, resolve factual disputes, or make credibility determinations. The Board determines only whether the allegations, accepted as true for purposes of this threshold inquiry, implicate personnel administration or compliance with the Municipal Fire and Police Civil Service Law. That is the function of a facial sufficiency determination, not an evidentiary one.

11.

The factual allegations set forth in this petition, if proven, would establish violations of La. R.S. 33:2471 et seq. and the Louisiana Constitution, Article X. Each ground for investigation is addressed below. Just cause exists to open an investigation on each independent ground.

### **C. Chief D'Albor's Pre-Investigation Response Does Not Defeat Jurisdiction**

12.

On February 26, 2026, Chief D'Albor, through counsel, filed a written response opposing the Board's exercise of investigative authority before the Board voted to open an investigation. Nothing in La. R.S. 33:2477 or La. R.S. 33:2500 authorizes Chief D'Albor to extinguish the Board's mandatory statutory duty through a pre-investigation objection. The Board's investigative authority derives from the Louisiana Constitution, Article X, Section 10, which vests civil service commissions and boards with broad rulemaking and subpoena powers for the administration and regulation of the classified service. That constitutional grant of authority does not yield to Chief D'Albor's objection at the jurisdictional stage.

13.

More significantly, Chief D'Albor's own written response to the Board confirms that just cause exists to investigate. He admitted in that response that his department reviewed the matter internally, disclosed it to the assigned Assistant District Attorney, and referred it to the Attorney General's Office for independent review. If those actions were warranted, the Board's investigation of the same subject matter is at minimum equally warranted. Chief D'Albor's admissions affirmatively support, rather than defeat, the Board's duty to act.

### **D. Chief D'Albor's Procedural Objections Conflate Two Distinct Statutory Proceedings**

14.

Chief D'Albor advances three procedural objections to this petition: that it was not filed on the proper statutory ground, that it is untimely, and that no disciplinary action was taken and therefore the Board lacks authority to act. Each argument rests on the same fundamental error — Chief D'Albor reads the statutes governing employee disciplinary appeals and imports their limitations into a citizen petition proceeding to which those statutes have no application. La. R.S.

33:2495(B)(3)(d) provides that a probational employee in the classified police service appointed to a promotional class who is rejected after serving a working test may appeal to the board only upon the grounds that he was not given a fair opportunity to prove his ability in the position. That provision governs an employee's appeal of a working test rejection. It has no bearing on a citizen's petition under La. R.S. 33:2477(4). The "fair opportunity" limitation restricts the employee appeal track. It places no limitation on the Board's citizen petition track, which is a separate proceeding with separate triggering requirements and a separate statutory basis.

15.

Chief D'Albor's timeliness objection fails for the same reason. La. R.S. 33:2501(A) requires an employee who feels she has been subjected to disciplinary action to demand a hearing within fifteen days of that action. That deadline governs the employee appeal track. It has no application to a citizen petition under La. R.S. 33:2477(4), which imposes no filing deadline on the petitioner. The only deadline La. R.S. 33:2477(4) imposes runs to the Board — investigations requested by citizen petition must be completed within sixty days of receipt. Chief D'Albor's argument that Petitioner's citizen petition is untimely under La. R.S. 33:2501(A) would, if accepted, effectively read La. R.S. 33:2477(4) out of existence by subjecting citizen petitions to a deadline the legislature imposed only on employee appeals. That result is irreconcilable with the plain text of both statutes.

## **II. GROUNDS FOR INVESTIGATION**

### **A. Ground One: Chief D'Albor Misrepresented an Employee's Duties to the Municipal Police Officers' Supplemental Pay Board**

16.

According to meeting minutes from the Municipal Police Officers' Supplemental Pay Board of Review meeting of November 9, 2022, Chief D'Albor appeared before that body and represented that the department had hired Morgan Delcambre as a transportation officer performing duties involving the transport and care, custody, and control of inmates. The board approved Delcambre's eligibility for supplemental pay based on those representations.

17.

La. R.S. 40:2405 requires that receipt of supplemental pay be contingent upon successful completion of a council-approved training program and passage of the council-approved examination.

18.

Petitioner alleges that Delcambre has not served as a transportation officer and instead performs duties consistent with those of a records clerk, a position that does not involve inmate transport or the care, custody, or control of prisoners and does not satisfy the eligibility criteria for supplemental pay. If true, Chief D'Albor represented to a state board that an employee qualified for state funding under a classification that did not reflect the employee's actual duties.

19.

La. R.S. 40:1667.6(B) vests the Board of Review with final authority to determine eligibility for supplemental pay. *City of Kenner*, 694 So.2d at 460, confirmed that civil service boards hold investigative jurisdiction over compensation and disbursements under the

constitutional grant of power in La. Const. Art. X, Section 10. The Board possesses authority to investigate the classification and compensation of employees within the classified service and to refer findings of potential violations to appropriate state authorities.

20.

Petitioner requests that the Board investigate whether Chief D’Albor accurately represented Delcambre’s duties and classification to the Supplemental Pay Board of Review and, if the investigation warrants, refer its findings to the Board of Review and to the appropriate prosecutorial authorities.

### **B. Ground Two: Chief D’Albor Retaliated Against Lt. Duhon for a Lawful and Required Brady Disclosure**

21.

La. R.S. 40:2537 prohibits the discharge, demotion, suspension, threat, harassment, or discrimination against any police employee in the terms and conditions of employment because of any lawful act engaged in by the employee in furtherance of any action taken to report malfeasance in office by a fellow police employee. The statute provides that a person aggrieved of a violation is entitled to treble damages, court costs, and reasonable attorney fees. La. R.S. 40:2537(B)(2).

22.

La. R.S. 42:1169 independently protects public employees from demotion or other adverse action as reprisal for reporting information the employee reasonably believes indicates a violation of any law or regulation. That statute requires only a reasonable belief that a violation occurred — it does not require proof of an actual violation. La. Atty. Gen. Op. No. 07-0152 (April 4, 2008) confirmed that La. R.S. 42:1169 protects public employees who report improper acts to appropriate authorities, and that the definition of “public employee” encompasses anyone performing a governmental function under the supervision or authority of a governmental entity.

23.

On September 9, 2025, Lt. Duhon and Lt. Kellen Landry met with the District Attorney’s Office during a scheduled monthly meeting and disclosed information suggesting that former detective Coquina Mitchell had provided false information in a search warrant affidavit in connection with an unsolved double-homicide investigation. Lt. Duhon made that disclosure after learning in January 2025 that Mitchell had allegedly lied under oath in the affidavit, after Chief D’Albor confirmed his prior knowledge of those allegations, and after the department’s own Professional Standards Captain undertook an internal review and prepared a report on the matter.

24.

*Brady v. Maryland*, 373 U.S. 83 (1963), and La. C.Cr.P. Art. 723 establish that the state must provide defendants with all evidence constitutionally required to be disclosed. *Sanders v. English*, 950 F.2d 1152 (5th Cir. 1992), recognized that law enforcement officers face civil liability for deliberate concealment of exculpatory evidence from prosecutors — the same obligation Lt. Duhon fulfilled when she made the September 9 disclosure. *Branton v. City of Dallas*, 272 F.3d 730 (5th Cir. 2001), applied the Pickering balancing test and held that a police officer’s First Amendment interest in reporting dishonest testimony by a fellow officer outweighed the department’s interest in restricting that communication, reversing summary judgment for the department. *Dukes v. New Orleans Police Department*, 368 So.3d 159 (La. App. 4th Cir. 2023),

confirmed that Louisiana law subjects officers to discipline for withholding information from an authorized investigation.

25.

La. R.S. 33:2505(4) prohibits any person from requiring any employee in the classified service to perform an act, or neglect an act, that would itself be reason for dismissal or disciplinary action. Chief D'Albor's order that the matter 'not leave the room' placed Duhon in an impossible position: comply with the order and face potential discipline for concealing Brady material from the District Attorney or disclose the Brady material and face the demotion that followed. By ordering Lt. Duhon not to disclose the matter, Chief D'Albor required her to neglect an act — the Brady disclosure — that her failure to perform would itself have constituted grounds for disciplinary action. La. R.S. 33:2505(4) prohibits him from issuing that order.

26.

To establish a prima facie case of retaliation, Duhon must show that she engaged in protected activity, that an adverse employment action occurred, and that a causal link existed between the protected activity and the adverse action. *Dial v. East Baton Rouge Parish Council on Aging, Inc.*, --- So.3d ---, 2025 WL 3763355 (La. App. 1st Cir. Dec. 30, 2025). All three elements are present.

27.

Lt. Duhon engaged in protected activity on September 9, 2025, when she disclosed potential Brady material to the District Attorney's Office. Chief D'Albor demoted her on October 21, 2025, effective October 27, 2025 — forty-two days after the disclosure. The temporal proximity alone does not establish causation, *Dobyns v. University of Louisiana System*, 275 So.3d 911 (La. App. 1st Cir. 2019) (applying but-for causation standard in employment retaliation context), but the record contains substantial additional evidence of retaliatory motive. Chief D'Albor made repeated hostile comments upon learning of the disclosure. He stated that Lt. Duhon had 'pissed him off.' He dismissed the Professional Standards report on the matter as 'poorly written.' He characterized the disclosure as having 'blown things out of proportion.' Commander Pellerin, whose interrogation preceded the demotion, told Lt. Duhon that there was 'nothing that needed to be reported,' emphasizing the word 'NOTHING.' Landry, who made the same disclosure at the same September 9 meeting, received no adverse action whatsoever. The department will argue that the distinction lies in the September 8 order — that Duhon violated a direct command and Landry did not. That argument confirms, rather than defeats, the targeting inference: Chief D'Albor issued that order to Lt. Duhon alone, not to Landry, ensuring that only Lt. Duhon would bear disciplinary exposure for a disclosure both officers made. The selective imposition of an impossible choice is not a legitimate basis for discipline — it is the retaliatory mechanism itself.

28.

Chief D'Albor's own statement to the Board confirms the causal link. He admitted that his department reviewed the underlying allegation internally, disclosed it to the District Attorney, and referred it to the Attorney General. The conduct for which he demoted Duhon — disclosing the matter to the District Attorney — is the same conduct that he himself subsequently took. He cannot discipline Duhon for doing what he later acknowledged was necessary.

### **C. Ground Three: A Prior Retaliatory Threat Establishes a Pattern of Improper Personnel Administration**

29.

Approximately one year before the October 2025 demotion, Lt. Duhon raised a concern with department leadership regarding the promotional process for a position of Captain. Specifically, she asked how the department intended to explain to senior employees the advancement of an individual who is the stepchild of Chief D’Albor. She framed the question as one of communication and process, not as a formal accusation.

30.

La. Const. Art. X, Section 7 mandates that permanent appointments and promotions in the classified service be made only after certification under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination that shall, so far as practical, be competitive. La. R.S. 33:2505(2) expressly prohibits any person from directly or indirectly giving, rendering, paying, offering, soliciting, or accepting any money, service, or other valuable consideration for any appointment, proposed appointment, promotion, or proposed promotion, or any advantage in a position in the classified service. Questions regarding compliance with those requirements fall squarely within the Board’s investigative authority.

31.

After Lt. Duhon raised that concern, the promotion process paused. A senior command officer then informed Lt. Duhon that the promotion would not proceed unless she met with Chief D’Albor and apologized. Lt. Duhon complied. During the meeting that followed, Chief D’Albor warned Lt. Duhon that raising such issues again in the future would place her position at risk.

32.

La. R.S. 42:1169 prohibits any supervisor, agency head, or employee with authority to discipline from subjecting to reprisal or threatening to subject to reprisal any public employee who reports information the employee reasonably believes indicates a violation of law or an improper act. The prior threat — conditioning Lt. Duhon’s promotion on her silence about merit system concerns — is precisely the conduct §42:1169 prohibits. La. Const. Art. X, Section 8(A) independently provides that no classified employee may face disciplinary action except for cause expressed in writing. A verbal threat conditioning a promotion on the employee’s surrender of the right to raise personnel questions is a threat of discipline without cause — facially unconstitutional.

33.

*City of Kenner Fire Department v. Municipal Fire and Police Civil Service Board*, 694 So.2d 460 (La. App. 5th Cir. 1997), confirmed that civil service boards hold jurisdiction to investigate matters involving compensation, disbursements, and other personnel matters under the constitutional grant of power in La. Const. Art. X, Section 10. The prior retaliatory threat falls within that jurisdiction and provides direct pattern evidence supporting Ground Two above and the demotion-related grounds set forth below.

#### **D. Ground Four: Violation of the Louisiana Law Enforcement Officer Bill of Rights Renders the Demotion an Absolute Nullity**

34.

La. R.S. 40:2531 governs the rights of law enforcement officers subject to administrative investigation and interrogation. The statute establishes specific procedural requirements that the appointing authority must satisfy before initiating disciplinary action. La. R.S. 40:2531(C) provides that any disciplinary action taken without complete compliance with the requirements of the statute is an absolute nullity. Louisiana appellate courts have applied that provision without exception. *Pozzo v. Department of Police*, 267 So.3d 1148 (La. App. 4th Cir. 2019); *Liang v. Department of Police*, 147 So.3d 1221 (La. App. 4th Cir. 2014); *City of Shreveport v. Shreveport Municipal Fire and Police Civil Service Board*, 322 So.3d 388 (La. App. 2d Cir. 2021).

35.

On October 16, 2025, Commander Seth Pellerin summoned Lt. Duhon to a meeting that he characterized as a 'fact-finding' session. The substance of that meeting, however, falls squarely within the definition of an interrogation under La. R.S. 40:2531. Louisiana courts look to the substance of a proceeding, not its label. *In re McDermitt*, 370 So.3d 79 (La. App. 2023), and *White v. City of Mandeville*, 387 So.3d 612 (La. App. 2024), applied that standard and found no interrogation on their respective facts — a policy compliance discussion and an informal conversation with a supervisor. Commander Pellerin's October 16 session is distinguishable on every material point: it directly and systematically questioned Lt. Duhon about a specific disclosure she had made to the District Attorney's Office, it concluded with an explicit statement that findings would be forwarded to Internal Affairs for disciplinary action, and it served as the direct predicate for her demotion five days later. The substance of that proceeding falls squarely within the definition of an interrogation under La. R.S. 40:2531.

36.

During the October 16 meeting, Commander Pellerin questioned Lt. Duhon directly about her disclosure to the District Attorney's Office on September 9, 2025. He concluded the meeting by stating that he would forward his findings to Internal Affairs for further disciplinary action. Five days later, Chief D'Albor demoted Lt. Duhon. The meeting was the direct investigative predicate for the demotion. It constituted an interrogation within the meaning of La. R.S. 40:2531.

37.

The Board's investigation will establish three violations of the statute. First, the record does not reflect that the department complied with La. R.S. 40:2531(B)(1), which requires that at the commencement of interrogation the officer be informed of the nature of the investigation, the identity and authority of the person conducting the investigation, and the identity of all persons present. Commander Pellerin satisfied none of those three requirements at the outset of the October 16 meeting. Second, the department did not inform Lt. Duhon of her right to have a representative present or to request a suspension of the questioning to obtain one, as La. R.S. 40:2531(B)(4) requires. Third, Commander Pellerin did not record the meeting in its entirety, as La. R.S. 40:2531(B)(3) requires. Lt. Duhon raised the absence of these protections at the meeting itself.

38.

Because Chief D'Albor demoted Lt. Duhon on the basis of findings that originated in a non-compliant interrogation, the demotion is an absolute nullity under La. R.S. 40:2531(C). La. R.S. 40:2531(C) provides that the mandatory remedy for a violation includes reinstatement to the demoted rank and payment of all back pay and emoluments. *Pozzo*, 267 So.3d at 1148; *Liang*, 147 So.3d at 1221. The Board possesses authority to order that relief. Petitioner expressly reserves all remedies available under the statute.

**E. Ground Five: Chief D'Albor Characterized Disciplinary Action as a Working Test Rejection in Violation of La. R.S. 33:2500(D) and the Louisiana Constitution**

39.

La. R.S. 33:2500(D) requires that in every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the Board a written statement of the action and the complete reasons therefor. Chief D'Albor furnished no written statement to the Board. He furnished no written performance evaluation to Duhon documenting the specific standards she allegedly failed to meet during her working test period. He furnished only a verbal notification that her demotion was effective October 27, 2025.

40.

La. Const. Art. X, Section 8(A) provides that no person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. The Louisiana appellate courts have recognized that civil service law protects classified employees from personnel actions that employ the form of a working test rejection to accomplish the substance of discipline. *Middleton v. City of Natchitoches*, 954 So.2d 356 (La. App. 3d Cir. 2007), held that a classified employee retains due process protections even where the appointing authority characterizes the action as a working test matter, when the substance of the action is disciplinary.

41.

The record contradicts any legitimate working test basis for the demotion. Lt. Duhon received no written reprimands during her working test period as Captain. She received no documented counseling. She received no written warnings. She received no formal performance evaluation identifying deficiencies. *Zahn v. Kenner Municipal Fire and Police Civil Service Board*, 379 So.3d 88 (La. App. 5th Cir. 2023), reversed the Board's reinstatement of an employee who had received two documented written reprimands during his working test period, finding the Board's decision arbitrary and capricious for lack of factual findings; here, the record contains no reprimands, no warnings, and no documented performance deficiencies at all.

42.

Chief D'Albor identified a single basis for the demotion: alleged insubordination arising from Lt. Duhon's September 9, 2025, disclosure to the District Attorney's Office. Insubordination is a named ground for formal disciplinary action under La. R.S. 33:2500(A). When the appointing authority invokes a named statutory ground for discipline and then pursues that action through a working test rejection rather than the disciplinary process, that action triggers the full procedural protections of the classified civil service, including the written statement requirement of La. R.S.

33:2500(D) and the constitutional cause requirement of La. Const. Art. X, Section 8(A). Chief D'Albor satisfied neither.

#### **F. Ground Six: Chief D'Albor Administered Personnel Policies Inconsistently and Contrary to the Merit System**

43.

The Municipal Fire and Police Civil Service Law requires uniform and consistent administration of personnel policies within the classified service. La. Const. Art. X, Section 8(B) prohibits discrimination against classified employees based on sex. *Atchison v. Monroe Municipal Fire and Police Civil Service Board*, 64 So.3d 874 (La. App. 2d Cir. 2011), held that a disciplinary action lacking a real and substantial connection to the efficient operation of the department is arbitrary and capricious. *Thoreson v. Department of State Civil Service*, 433 So.2d 184 (La. 1983), applied the equal work for equal pay principle within the classified civil service.

44.

The record reflects two specific instances of inconsistent treatment. First, Lt. Duhon and Lt. Kellen Landry both disclosed information to the District Attorney's Office at the same meeting on September 9, 2025. Chief D'Albor demoted Lt. Duhon. He took no action against Landry. The department will contend that the distinction lies in the September 8 order — that Lt. Duhon violated a direct command and Landry did not, because Landry was not present when the order was issued. That contention does not resolve the disparity; it confirms it. Chief D'Albor issued a command to one officer but not the other, then imposed discipline on the officer who received it and not the one who did not — for making the same disclosure. Administering personnel policy in a manner that produces different consequences for two officers who engaged in identical conduct, based solely on which officer received a particular order, is precisely the kind of arbitrary and capricious treatment the merit system prohibits.

45.

Second, Lt. Duhon served as Field Training Coordinator for three years while holding the rank of Lieutenant. During that period, Chief D'Albor denied her compensation for the additional duties, advising her that the role was part of her regular job responsibilities. Upon Lt. Duhon's promotion to Captain of CID, Lt. Derrick Roque assumed the Field Training Coordinator position. The department provided Roque with incentive pay immediately upon his assumption of the role. Lt. Duhon received no back pay for the period she performed the same duties without compensation.

46.

La. R.S. 23:664 prohibits paying wages at a lesser rate to an employee than the rate paid to an employee of a different sex for the same or substantially similar work. Lt. Duhon, a female officer, performed the Field Training Coordinator function for three years without incentive pay. Roque, a male officer, received that pay immediately. *Alongi v. Department of Police*, 480 So.2d 1001 (La. App. 4th Cir. 1985), confirmed that back pay in civil service matters includes all compensation, including mandatory overtime, holiday pay, state supplemental pay, and shift differentials. Chief D'Albor contends that the employee who replaced Lt. Duhon performed additional duties that justified the difference in compensation. That contention raises a factual dispute about whether the duties performed by Lt. Duhon and her male successor were equivalent

— precisely the kind of factual dispute that an investigation is designed to resolve. A disagreement about the merits of a claim is not a basis to deny a citizen petition; it is a reason to grant one.

47.

These facts, if proven, establish arbitrary and capricious administration of personnel policies within the classified service and sex-based compensation discrimination, both of which fall within the Board's investigative authority under La. R.S. 33:2477(4).

### **III. PROCEDURAL HISTORY**

48.

On or about January 20, 2026, Lt. Duhon submitted a Petition for Investigation to the Board. On February 25, 2026, the Board placed the matter on the agenda for its February 26, 2026, meeting. On February 26, 2026, Chief D'Albor, through counsel Gregory Beasley, filed a written response opposing the petition before the Board voted to open an investigation. After discussion, the Board directed Lt. Duhon to file an amended petition providing a more definite statement of factual allegations within two weeks. Undersigned counsel now files this First Supplemental and Amending Petition on Lt. Duhon's behalf in compliance with that directive.

### **IV. PRAYER FOR RELIEF**

49.

WHEREFORE, Petitioner Cassie Duhon, through undersigned counsel, respectfully prays that this Board:

1. Receive this First Supplemental and Amending Petition for Investigation;
2. Find that just cause exists to open an investigation based on each independent ground set forth herein;
3. Conduct said investigation pursuant to La. R.S. 33:2477(4) and (5) and La. R.S. 33:2500(C) within the sixty-day period required by Rule V, Section 3 of the Board's rules;
4. Take such action, including referral to appropriate authorities, as the investigation warrants and the law authorizes; and
5. Grant all other relief that the Board determines to be appropriate, desirable, and necessary in the public interest and to carry out effectively the provisions and purposes of La. R.S. 33:2471 et seq.

{Signature on following page}

**Certificate of Service**

I hereby certify that a copy of the foregoing has been served upon all parties by electronic mail on this 12<sup>th</sup> day of March, 2026.



Patrick D. Magee (Mar 12, 2026 14:00:23 CDT)

PATRICK D. MAGEE

Respectfully Submitted:

PAT MAGEE FIRM, LLC



By: Patrick D. Magee (Mar 12, 2026 14:00:23 CDT)

Patrick D. Magee, #29721

210 Heymann Blvd.

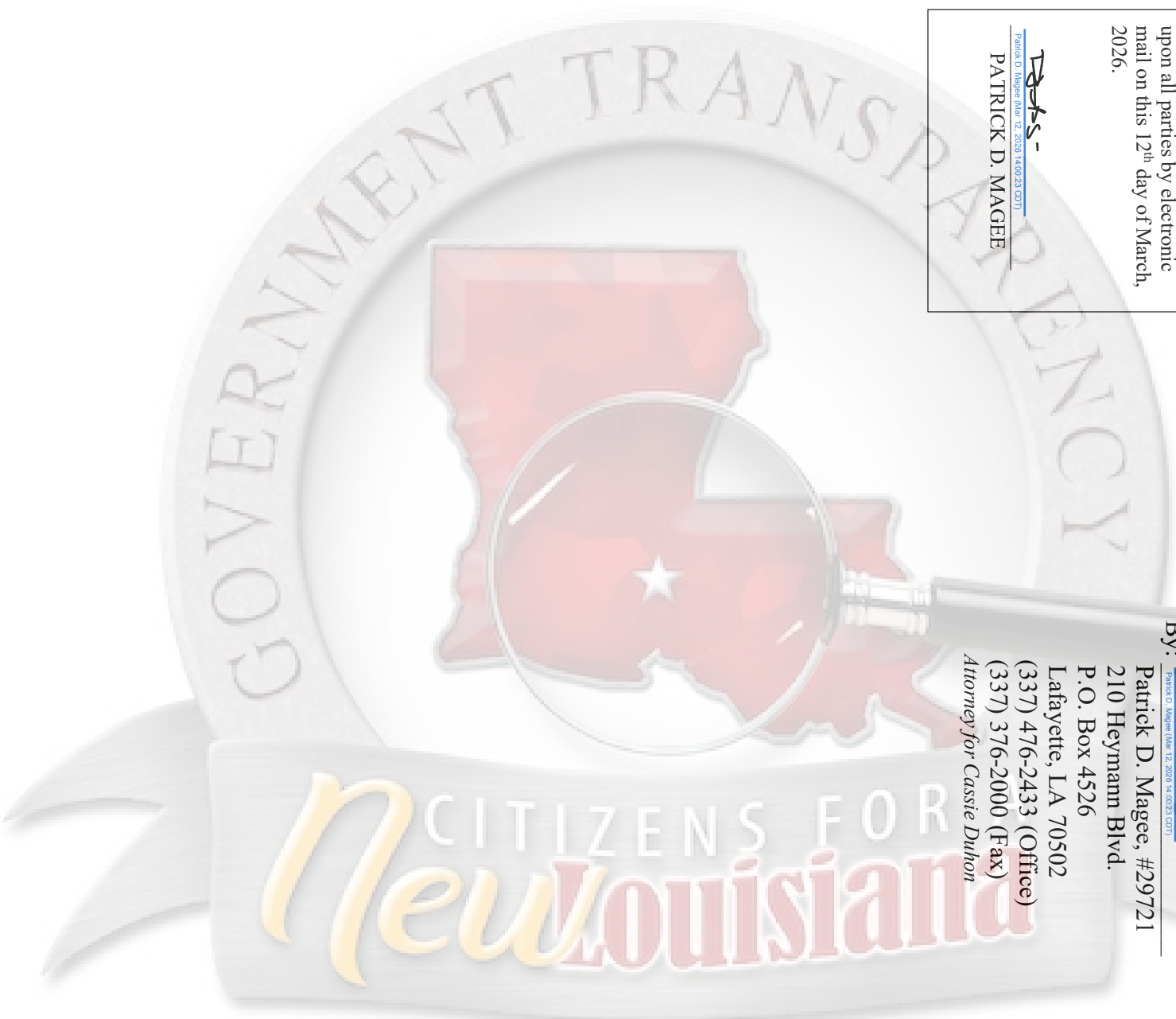
P.O. Box 4526

Lafayette, LA 70502

(337) 476-2433 (Office)

(337) 376-2000 (Fax)

*Attorney for Cassie Duhan*



# 2026\_03\_12\_Duhon\_First\_Supplemental\_Petition

Final Audit Report

2026-03-12

Created:	2026-03-12
By:	Alviray Winters (rae@mageefirm.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAH7HHCcbu5GINDXb65D7aRfEGyQV5FKAC

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-  Document created by Alviray Winters (rae@mageefirm.com)  
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-  Document emailed to Patrick D. Magee (pdm@mageefirm.com) for signature  
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-  Email viewed by Patrick D. Magee (pdm@mageefirm.com)  
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