

March 17, 2026
Via Electronic Transmission Only

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Mabel Onellion, Board Secretary
New Iberia Municipal Fire and Police Civil Service Board
457 E. Main Street, Rm 300
New Iberia, LA 70563

Re: Cassie Duhon Civil Service Petition for Investigation –
Response to First Supplemental Petition for Investigation

Dear Ms. Onellion:

Enclosed please find New Iberia Police Department and Chief Todd D'Albor's *Response to First Supplemental Petition for Investigation* we are submitting in the above-referenced matter in anticipation of the hearing scheduled for March 18, 2026.

If you should have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

Jason T. Reed
Gregory W. Beasley

JTR/GWB/kk

Cc: Patrick Magee (via e-mail only)
Jeff Simon (via e-mail only)

Enclosure

NEW IBERIA MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD

CITY OF NEW IBERIA

PARISH OF IBERIA

STATE OF LOUISIANA

RESPONSE TO FIRST SUPPLEMENTAL PETITION FOR INVESTIGATION

The New Iberia Police Department and Chief Todd D'Albor expressly dispute the factual allegations asserted in the First Supplemental and Amending Petition for Investigation. However, before consideration of those allegations, the foundational issues governing whether the Petition is properly before the Civil Service Board must be addressed. As set forth more fully below, Petitioner's request for an investigation falls outside the jurisdiction and authority of the Civil Service Board, is procedurally improper, and unsupported by just cause. Accordingly, the Petition for Investigation should be denied in its entirety.

I. The Board Is Not Required to Grant an Investigation

Under La. R.S. 33:2477(4), the Civil Service Board is not obligated to initiate an investigation upon the mere filing of a petition. Rather, the Board must first determine whether the Petitioner has met her burden of proof in establishing that "just cause" exists before exercising its discretionary authority to conduct an investigation.

While the Board may not act arbitrarily or capriciously, it is vested with discretion to decline an investigation where "just cause" is not established. In *Smith v. Ruston Fire and Police Civil Service Board*, the court expressly upheld the Board's refusal to investigate under La. R.S. 33:2477(4).¹ Notably, although cited by Petitioner, that decision supports the Board's authority to decline an investigation in the absence of sufficient grounds. As analyzed below, the instant petition is deficient and such deficiencies support the Board's discretion to deny the petition.

II. The Supplemental Petition Seeks to Use the Board to "Fish" for a Just Cause

The Supplemental Petition does not allege established facts demonstrating "just cause," but instead identifies actions that "may have" occurred. Such speculative assertions underscore that the Petition is not grounded in demonstrable misconduct but rather seeks to initiate an investigation in order to discover whether actionable conduct exists.

¹ *Smith v. Ruston Fire and Police Civil Service Board*, 939 So.2d 586 (La. App. 2 Cir. 2006).

Such a “fishing expedition” is not the intent of La. R.S. 33:2477(4). The statute does not authorize the Board to conduct exploratory investigations in search of “just cause.” Rather, a threshold showing of just cause must precede any exercise of investigative authority.

III. The Petition Constitutes an Improper Attempt to Circumvent Limitations on Review of Working Test Decisions

Despite Petitioner’s assertion to the contrary, the Supplemental Petition is, in whole or in substantial part, an impermissible attempt to obtain review of a working test period decision. A decision to reject an officer during her working test period is not subject to Board review under these circumstances. La. R.S. 33:2495(B)(2)(c) expressly provides the only basis upon which such decisions may be reviewed, specifically, an allegation that the officer “has not been given a fair opportunity to prove his ability in the position.” That basis is neither alleged nor factually supported here. Louisiana jurisprudence confirms that rejection during a working test period is not reviewable for cause, and a generalized assertion of unfairness does not confer jurisdiction upon the Board.²

Permitting this matter to proceed would effectively allow any working test decision to be challenged at any time through a petition for investigation, contrary to legislative intent and inconsistent with the manner in which the Civil Service framework as designed to operate.

IV. The Petition Improperly Seeks Review of Matters Beyond the Board’s Authority

The Supplemental Petition also asks the Board to review other internal discretionary decisions of the department. However, Louisiana courts have clearly established that the Board’s authority does not extend to such matters.

In *City of Lafayette v. Comp Time for Certain Firemen*, the court rejected an expansive interpretation of La. R.S. 33:2477 and held that the Board’s powers do not encompass review of supervisory decisions.³ The Board is not a general oversight body for departmental management or administrative discretion. It is Respondents’ belief that this interpretation is consistent with the position of the State Examiner.

V. The Petition Raises Issues Within the Proper Jurisdiction of Other Agencies

To the extent the Supplemental Petition alleges wrongdoing, such allegations fall within the jurisdiction of other agencies specifically tasked with addressing such matters:

- For alleged criminal conduct, those allegations would be appropriately addressed by the District Attorney or Attorney General;
- For alleged ethical violations, those allegations would be appropriately addressed by the Louisiana Board of Ethics;

² *Glover v. Lafayette Consolidated Government*, 402 So.3d 81 (La. App. 3 Cir. 2024), writ denied, 402 So.3d 490 (La. 2025).

³ *City of Lafayette v. Comp Time for Certain Firemen*, 525 So.2d 181 (La. App. 3 Cir. 1988).

- For alleged employment discrimination, those allegation would be appropriately addressed by the Equal Employment Opportunity Commission or district courts;
- For alleged financial wrongdoing, those allegation would be appropriately addressed by the Louisiana Legislative Auditor.

The Civil Service Board is not the proper forum for adjudicating or investigating such claims. Again, it is Respondents' belief that this interpretation is likewise consistent with the position of the State Examiner.

VI. Any Investigation of a Police Officer Is Subject to Strict Legal Procedures

Even if the Board were to consider initiating an investigation of any police officer, including the Chief of Police, any such action is legally mandated to comply with strict procedural safeguards, including, but not limited to, those protections set forth in:

- 1) The Police Officer's Bill of Rights as set forth in La. R.S. 40:2531, et seq;
- 2) Louisiana Civil Service Regulations as set forth in La. R.S. 33:2471, et seq;
- 3) The Louisiana Code of Evidence;
- 4) Article I § 2 of the Louisiana Constitution; and
- 5) The Fifth and Fourteenth Amendments of the U.S. Constitution;

Any such investigation is a highly regulated process which requires strict compliance with extensive legal protections. As such, in the event such an investigation were to be performed, it may exceed the Board's intended function and would be more appropriately reserved for agencies specifically equipped to carry out such investigations.

VII. Granting This Petition Would Improperly Expand the Board's Role Beyond Its Practical Function.

Lastly, if the Board were to grant a request for investigation under the present circumstances, it would effectively serve as precedent for the Board to initiate an investigation, at any time, from any employee or member of the public, regarding any aspect of law enforcement operations within the City. Such a result is contrary to legislative intent, exceeds the Board's limited authority under La. R.S. 33:2477, and would undermine the Civil Service framework in place.

VIII. Conclusion

For the foregoing reasons, Petitioner's request for an investigation is procedurally improper, unsupported by just cause, and falls outside the jurisdiction and authority of the Civil Service Board. The deficiencies outlined herein not only justify denial, but also confirm that any such denial would be a proper exercise of the Board's discretion and not arbitrary or capricious. Accordingly, the First Supplemental and Amending Petition for Investigation should be denied in its entirety.

Respectfully submitted,

NEUNER'PATE



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*Counsel for Respondents, Todd D'Albor and The
City of New Iberia*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was filed was forwarded to the Civil Service Board and known counsel of record via electronic transmission.

Lafayette, Louisiana this 17th day of March, 2026.



COUNSEL

CITIZENS FOR A
New Louisiana