

15TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

NO. 20231837

DIVISION: C

LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT

v.

THE LAFAYETTE FIRE AND POLICE CIVIL SERVICE BOARD

PETITION

NOW INTO COURT, through undersigned counsel, comes LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT (“LCG”), who avers as follows:

1.

Made Defendant herein is THE LAFAYETTE FIRE AND POLICE CIVIL SERVICE BOARD (“Civil Service Board”).

2.

The Civil Service Board is a juridical entity capable of being sued.¹

3.

On February 9, 2023, the Civil Service Board violated the Open Meetings Law, La. R.S. 42:11, *et seq.*

4.

Lafayette Police Officer Jeremy Robert arrested a woman, “hogtied” her, and then ripped her from his patrol car by a chain connected to her ankles causing her to land face-first on the asphalt.

5.

Robert was subsequently terminated.

6.

His termination came before the Civil Service Board on February 9, 2023.

7.

After hearing arguments and receiving evidence, the Civil Service Board retired to executive session.

¹ *Turner v. Houma Mun. Fire & Police Civ. Serv. Bd.*, 2001 WL 561992, at *4 (E.D. La. 2001) (“[T]he Court finds that the Board is a juridical entity capable of being sued.”); *cf. City of Kenner v. Lawrence*, 365 So. 2d 1301, 1303 (La. 1978) (“[T]he board has the independent right to seek judicial enforcement of its actions, regardless of whether the employing agency or the employee desires or is able to do so.”).

8.

Upon exiting executive session, the Civil Service Board promptly announced a vote in favor of reinstatement of Robert.

9.

This practice violated the Open Meetings Law, La. R.S. 42:11, *et seq.*

10.

The Attorney General's Office has been clear that "a vote may not be taken during executive session and simply announced at the resumed meeting."² It explained that "this would constitute the taking of binding action in an executive session which is prohibited."³

11.

Upon information and belief, the Civil Service Board engaged in this prohibited practice. Upon information and belief, on February 9, 2023, the Civil Service Board deliberated and determined that it would reinstate Robert during executive session and simply announced its vote when it resumed the meeting.

12.

This is clearly violative of the Open Meetings Law.

13.

In fact, the Attorney General's Office previously advised the Slidell Municipal Police Civil Service Board that it was violating the Open Meetings Law by engaging in a similar practice. The Slidell City Attorney requested an opinion from the Attorney General's Office regarding the "custom of the [Slidell Municipal Police] Civil Service Board to hear all of the testimony in . . . an appeal [of disciplinary action taken against a classified employee], and at the conclusion of the testimony retire behind closed doors in executive session to deliberate and consider the decision." The Attorney General's Office opined that it was "clear" that this practice "would violate the open meeting law by deliberating behind closed doors as to the validity of disciplinary action." The Attorney General's Office specifically stated this practice did not fall within the exception for "investigative proceedings regarding alleged misconduct."⁴

² See *e.g.*, La. Att'y Gen. Op. No. 94-47 (Apr. 4, 1994).

³ La. Att'y Gen. Op. No. 94-14 (Apr. 4, 1994); *see also* La. Att'y Gen. Op. No. 83-745 (Sept. 19, 1983) ("A vote may not be taken during executive session and simply announced at the resumed meeting as this would constitute the taking of binding action during the meeting."); La. Att'y Gen. Op. No. 19-0004 (Mar. 13, 2019) ("No vote may be taken in an executive session.")

⁴ La. Att'y Gen. Op. No. 94-47 (Apr. 4, 1994); La. Att'y Gen. Op. No. 94-561 (Dec. 8, 1994) ("Any Board action on [a disciplinary appeal] must also be taken in open session."); *cf.* La. Att'y Gen. Op. No. 94-14 (Apr. 4, 1994) (selecting or recommending a job applicant in executive session would violate the Open Meetings Law).

14.

LCG now files this suit seeking to enforce the Open Meetings Law. LCG seeks all relief available to it under the law, including but not limited to declaratory and injunctive relief declaring the practice described herein as violative of the Open Meetings Law and prohibiting the Civil Service Board from further engaging in the practice, a judgment rendering the action of the Civil Service Board described herein as void, a judgment awarding all reasonable attorney's fees and costs incurred in this litigation, and to the extent it is found that any member of the Civil Service Board knowingly and willfully violated the Open Meetings Law, civil penalties pursuant to La. R.S. 42:28.

WHEREFORE, premises considered, Plaintiff, LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, respectfully prays that after all legal delays be had there be a Judgment herein in favor of Plaintiff and against Defendant as follows:

1. Declaratory and injunctive relief declaring the practice described herein as violative of the Open Meetings Law and prohibiting the Civil Service Board from further engaging in the practice;
2. A judgment rendering the action of the Civil Service Board described herein as void;
3. A judgment awarding all reasonable attorney's fees and costs incurred in this litigation;
4. To the extent it is found that any member of the Civil Service Board knowingly and willfully violated the Open Meetings Law, civil penalties pursuant to La. R.S. 42:28; and
5. AND FOR ALL OTHER GENERAL AND EQUITABLE RELIEF.
- 6.

Respectfully submitted,

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PLEASE SERVE

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