

BELINDA PARKER BROWN, CHARLIE SQUARE, RITA
M. McDONALD, TIM HOLMES, CHIEF LINDA TAHANE,
HVISHI OPA LUKSI, KATRINA BROWN

NUMBER **745576** DOCKET: **26**

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA STATE POLICE COMMISSION,
EULIS SIMIEN, JR., OLIVER JENKINS, BERNELL
NEVIL JR., TONY PIERITE, LT. MONTY MONTELONGO,
JARED CARUSO-RIECKE, MARK "AUBREY" COLE

STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW UNTO COURT come Plaintiffs, Belinda Parker Brown, Charlie Square,
Rita M. McDonald, Tim Holmes, Chief Linda Tahane, Hvishi Opa Luksi, and Katrina
Brown all in proper person, who assert the following:

1.

That they are all of the full age of majority and reside in the Parish of St.
Tammany, State of Louisiana.

2.

Made Defendants in this petition for damages are:

LOUISIANA STATE POLICE COMMISSION (hereinafter "LSPC"), an
executive agency of the State of Louisiana and a body corporate with the power to
sue and be sued whose office at all times pertinent herein is located in the Parish
of East Baton Rouge, State of Louisiana, and whose Chairman and representative
for Service of Process is Mr. Eulis Simien, Jr., LSPC Member and Chairman,
7908 Wrenwood, Baton Rouge, LA 70809-1796.

EULIS SIMIEN, JR., LSPC Member and Chairman, a major resident and
domiciliary of the Parish of East Baton Rouge, State of Louisiana.

LSP LT. MONTY MONTELONGO, LSPC Member and Vice Chairman, a
major resident and domiciliary of the Parish of St. Bernard, State of Louisiana.

OLIVER JENKINS, LSPC Member, a major resident and domiciliary of the
Parish of Caddo, State of Louisiana.

BERNELL NEVIL, JR., LSPC Member, a major resident and domiciliary of
the Parish of Orleans, State of Louisiana.

MARK M. "AUBREY" COLE, LSPC Member, a major resident and
domiciliary of the Parish of Lafayette, State of Louisiana.

TONY P. PIERITE, LSPC Member, a major resident and domiciliary of the Parish of Avoyelles, State of Louisiana.

JARED CARUSO-RIECKE, LSPC Member, a major resident and domiciliary of the Parish of St. Tammany, State of Louisiana.

3.

On Saturday, January 20, 2024, each Member of the LSPC began a process of signing a letter addressed to Mr. Collin Sims, a candidate for District Attorney in St. Tammany Parish for which the election is on Saturday, March 23, 2024. The letter is attached hereto and made a part hereof as Exhibit P-1.

4.

The letter references billboards depicting advertising on behalf of the Sims campaign. The billboards are comprised of a photo of Collin Sims and, to his right, a photo taken at a press conference after the murder conviction involving a Defendant who took the life of Mandeville Police Captain Vincent Liberto while serving in the line of duty. The family of the late Captain Liberto, along with numerous law-enforcement officers who assisted in the prosecution appear in the photo. A photo of one of the billboard signs is attached hereto and made a part hereof as Exhibit P-2.

5.

The letter accuses Mr. Sims, the interim District Attorney of St. Tammany Parish, of using the photo, “in a false light to depict those (Louisiana State Police) troopers as standing in support of your campaign.”

6.

The named LSPC Defendants mailed the letter to Mr. Sims without placing any intention to engage in such an act on any agenda, without noticing any member of the public of its intent to do so, and without convening any public meeting to permit public comment regarding the obtaining of a formal, on-the-record affirmative vote by the LSPC body to engage in the act of drafting and mailing the letter.

7.

The LSPC is a public body and is therefore subject to adherence to Louisiana’s Open Meetings Laws.

8.

Louisiana R. S. 42:12 calls for the “liberal construction” of “public policy for open meetings,” and further states in R. S. 42:12(A) that, “It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.”

9.

Louisiana R. S. 42:14(B) states the following: “Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this Chapter.”

10.

By circulating the letter evidenced and identified as “P-1,” the named Defendants clearly engaged in secretive proxy voting as evidenced by the exact dates and times of their signatories on the letter. Such signatures represent what should have been affirmative votes to draft and send the letter conducted in an open meeting of the LSPC; however, the named Defendants circumvented their requirement to conduct such a public matter at an open meeting and took it upon themselves to engage in the very “proxy voting and secret balloting” stated as being prohibited in R. S. 42:14(B).

11.

Petitioners aver that the named Defendants circulated that letter, electronically signed, date stamped, and time stamped their signatures on the letter, then mailed the letter to Collin Sims with the direct and specific intent to avoid public notice, public discussion, and to specifically block Petitioners’ rights to both observe deliberations regarding the contents of the letter and to offer public comment entailing same. In short, Defendants’ acts constitute a blatant and obvious violation of Louisiana’s Open Meetings Laws.

12.

By their knowing and willful violations of LA R. S. 42:14(B) and pursuant to LA R. S. 42:28, each LSPC Member named Defendant is **personally** liable unto Petitioners for the amount of \$100 each to each named Plaintiff in this Petition. Further, Pursuant to

R. S. 42:26(C), upon successful awarding of a Judgment of this Honorable Court in which such \$100 civil penalty is assessed against each LSPC Member and awarded to each Petitioner in this Petition, Petitioners are also entitled to reasonable attorney fees and the costs of this litigation.

13.

Pursuant to Case # 2008-CA-0952, Philip Courvelle and LA Recreational Vehicle Dealers Association, Inc. v. LA Recreational and Used Motor Vehicle Commission et. al., for which the First Circuit Court of Appeals overturned the civil penalties awarded by the 19th Judicial District Court imposed by Judge Morvant against that Commission's Members as a result of the Plaintiffs' failure to name the Members of the Commission individually as Defendants, Petitioners have named each of the seven (7) Members of the LSPC who knowingly and willfully violated LA R. S. 42:14(B) in engaging in proxy voting and secretive balloting in direct violation of their obligation to place such a planned action of mailing out the letter to Mr. Sims on an agenda and conducting discussion of same in an open forum and permitting Petitioners to speak on the matter. Accordingly, Petitioners were both denied the right to observe the public body's deliberations as well as to speak on the matter prior to any vote to send out the letter on which they commenced placing their electronic signatures on January 20, 2024 and identified as Exhibit P-1. Further, this Petition has been filed within the 60-day timeframe permitted by LA R. S. 42:28 for the imposition of Civil Penalties against the seven (7) named Defendant Members of the LSPC as 60 days from January 20, 2024 is Wednesday, March 20, 2024.

WHEREFORE, petitioners, BELINDA PARKER BROWN, CHARLIE SQUARE, RITA M. McDONALD, TIM HOLMES, CHIEF LINDA TAHANE, HVISHI OPA LUKSI, KATRINA BROWN pray that Defendants, LOUISIANA STATE POLICE COMMISSION, LSP LT. MONTY MONTELONGO, EULIS SIMIEN, JR., TONY PIERITE, BERNELL NEVIL, JR., OLIVER JENKINS, MARK "AUBREY" COLE, and JARED CARUSO-RIECKE be duly served with a copy of this petition, and cited to appear and answer same and, after all legal delays and due proceedings had, there be a judgment herein in favor of petitioners, BELINDA PARKER BROWN, CHARLIE SQUARE, RITA M. McDONALD, TIM HOLMES, CHIEF LINDA TAHANE, HVISHI

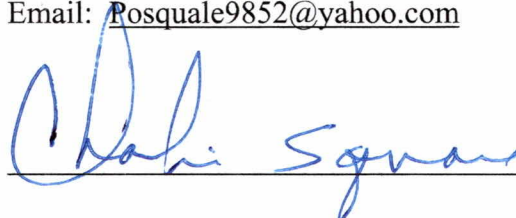
HVISHI OPA LUKSI and against Defendants, LOUISIANA STATE POLICE COMMISSION, LSP LT. MONTY MONTELONGO, EULIS SIMIEN, JR., TONY PIERITE, BERNELL NEVIL, JR., OLIVER JENKINS, MARK "AUBREY" COLE, and JARED CARUSO-RIECKE awarding \$100 to each Petitioner from each individually-named Defendant in Civil Penalties (except the LSPC itself as the civil penalty is a personal liability), for a total Judgment of \$700 to each Petitioner pursuant to LA R. S. 42:28 along with each named personal Defendant being assessed a ONE-SEVENTH (1/7th) share of Petitioners' costs in initiating this Petition as provided for under LA R. S. 42:26(C).

Respectfully Submitted,

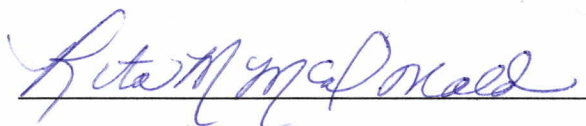
Belinda Parker-Brown, in proper person.
1622 11th St.
Slidell, Louisiana 70458
(985) 503-0626 (cell)
Email: belindabrownl1d@yahoo.com



Charlie Square, in proper person
4480 Pontchartrain Drive, Apt. 105
Slidell, Louisiana 70458
Email: Posquale9852@yahoo.com



Rita M. McDonald, in proper person
128 Penwood Loop
Covington, Louisiana 70433
(985) 509-4724
Email: rvmcdonald@icloud.com



Tim Holmes, in proper person
645 Kostmayer Ave.
Slidell, Louisiana 70458
Email: mistertim6656@icloud.com



Hvishi Opa Luksl in proper person
1527 Gause Blvd #298,
Slidell, LA. 70458
Email: chieftesshvishi@gmail.com

Hvishi - opa: luksl, Chief

Chief Linda Tahane, in proper person
60179 Mirmar St.
Lacombe, Louisiana 70445
(601) 447-1415
Email: Lau8814854@aol.com

Chief Linda Tahane

Katrina Brown
1622 11th Street
Slidell, Louisiana 70458
Email: nbrown111035@gamil.com

KB

PLEASE SERVE:

BERNELL NEVIL, JR.

601 Aurora Oaks Drive
New Orleans, LA 70131

LOUISIANA STATE POLIC COMMISSION

Liz Baker Murrill, Attorney General, State of Louisiana
1885 N Third St
Baton Rouge LA 70802

All individual Defendants (other than Mr. Nevil) are scheduled to be in attendance at an LSPC meeting transpiring at 10:00 a.m. on Thursday, April 11, 2014 at the following address:

LOUISIANA STATE POLICE COMMISION

**Veterans Memorial Auditorium Ste 1247
5825 Florida Blvd
Baton Rouge LA 70806**

Accordingly, please serve the following individuals mere minutes before 10:00 a.m. at the above-listed address where they will all be located:

**EULIS SIMIEN, JR., Chairman and Member, LSPC
LSP LT. MONTY MONTELONGO, Member & Vice Chairman, LSPC
OLIVER JENKINS, Member, LSPC
TONY PIERITE, Member, LSPC
MARK "AUBREY" COLE, Member LSPC
JARED CARUSO-RIECKE, Member, LSPC**



STATE POLICE COMMISSION

Post Office Box 66555
Baton Rouge, LA 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

JEFF LANDRY
GOVERNOR

JASON HANNAMAN
EXECUTIVE DIRECTOR

January 20, 2024

Mr. Collin Sims
206 Covington St.
Madisonville LA, 70447

Dear Mr. Sims:

As members of the Louisiana State Police Commission, we are writing to ask you to cease and desist from using the photograph of Louisiana State Troopers that you have incorporated into your campaign advertisements. In the original footage, the state troopers in that photograph were standing together outside a courthouse following the conviction of a murderer. Your campaign has used that photograph in a false light to depict those troopers as standing in support of your campaign. This was done so without their permission.

The Louisiana Constitution specifically prohibits classified members of the state police force from engaging in political activity. Had those troopers who are pictured given their consent for you to use their images adjacent to you on billboards and in other campaign propaganda, their actions would be considered prohibited political activity. State troopers risk discipline up to and including termination for violating this law. More importantly this provision of the Louisiana Constitution was created in order to maintain a police force that represents all citizens of the state of Louisiana and not a specific party or candidate in the political realm.

It is our sincere wish and expectation that you will honor these state troopers and remove that photograph from your campaign material.

Sincerely,

Eulis Simien, Jr.
Eulis Simien, Jr. (Jan 20, 2024 17:04 CST)
Mr. Eulis Simien, Jr., Chairman

Monty Montelongo
Monty Montelongo (Jan 20, 2024 17:09 CST)
Lt. Monty C. Montelongo, Vice-Chairman

Oliver Jenkins
Oliver Jenkins (Jan 20, 2024 17:30 CST)
Mr. Oliver G. Jenkins, Member

Jared Caruso-Riecke
Jared Caruso-Riecke (Jan 22, 2024 12:36 CST)
Mr. Jared J. Caruso-Riecke, Member

Bernell Nevil, Jr.
Bernell Nevil, Jr. (Jan 20, 2024 18:39 CST)
Mr. Bernell Nevil, Jr., Member

Mark "Aubrey" Cole
Mark "Aubrey" Cole (Jan 21, 2024 16:18 CST)
Mr. Mark "Aubrey" Cole, Member

Tony Pierite
Tony Pierite (Jan 21, 2024 17:31 CST)
Mr. Tony P. Pierite, Member

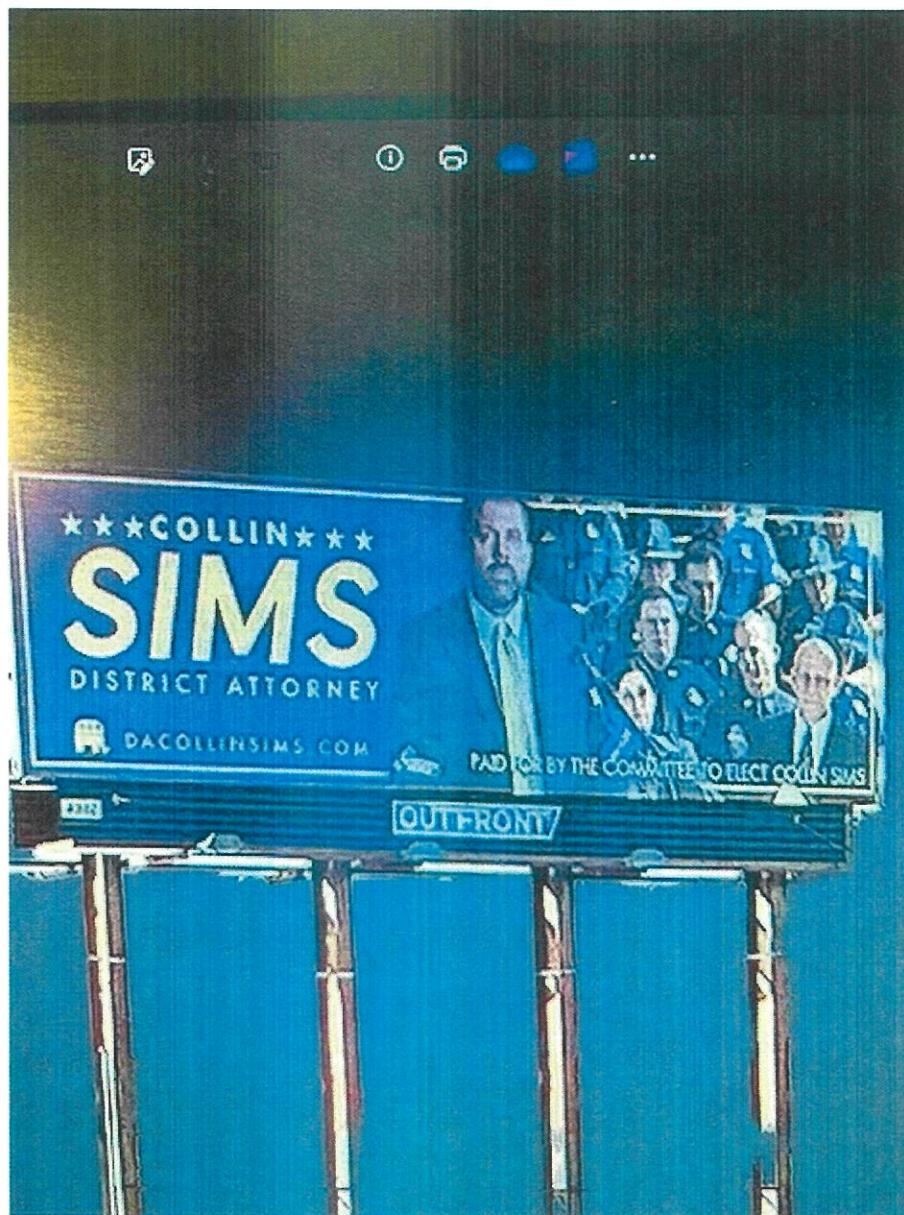
cc: Louisiana State Troopers Association

AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED

JAN 19 2024

State Police Commission



RECEIVED

JAN 19 2024

State Police Commission