

BILLY BROUSSARD

NUMBER _____ DOCKET:

16TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST MARTIN

SCOTT MICHAEL LOPEZ,
BENJAMIN COLE LOPEZ

STATE OF LOUISIANA

PETITION FOR DAMAGES FOR DEFAMATION OF CHARACTER

NOW UNTO COURT comes Petitioner, Billy Broussard, in proper person, who files this Petition for Damages for Defamation of Character, and who, with respect to same, does hereby allege, espouse, attest, and state as follows, to wit:

1.

That he is a person of the full age of majority and resides in the Parish of St. Martin, State of Louisiana.

2.

Made Defendants herein are Scott Michael Lopez, a person of the age of majority who resides in the Parish of St. Martin, State of Louisiana, and Benjamin Cole Lopez, a person of the age of majority who resides in the Parish of St. Martin, State of Louisiana.

3.

On June 14, 2021 at approximately 4:30 p.m., Defendant LSP Trooper Scott Lopez pulled over the driver of a truck on Duchamp Road in Broussard, Louisiana. The truck is owned by Petitioner and was being driven by an individual hired by Petitioner.

4.

Despite the fact that the driver of the truck, Robert Earl Miller, was in no apparent violation of any laws, Defendant LSP Trooper Scott Michael Lopez stated to Miller, “You better not go down my road again if you know what’s good for you.”

5.

Defendant LSP Trooper Scott Michael Lopez made no representation whatsoever that he was acting in his capacity as a Louisiana State Trooper but made it clear that he did not want the truck, “passing in front of my home again.”

6.

Miller telephoned Petitioner within minutes of his encounter with Defendant LSP Trooper Scott Michael Lopez.

7.

After Miller apprised Petitioner of his encounter with Defendant LSP Trooper Scott Michael Lopez, Petitioner immediately telephoned LSP Troop I Headquarters.

8.

Petitioner apprised the Troop Sergeant on duty at Troop I, who requested a few minutes to investigate the incident after which he indicated that he would call Petitioner back.

9.

The Troop I Sergeant called Petitioner back within minutes and indicated that the incident should not have transpired, to which Petitioner stated, "I'm willing to chalk it up to Trooper Lopez just having a bad day," to which the Sergeant said, "Please do."

10.

Minutes later Defendant LSP Trooper Scott Michael Lopez telephoned Petitioner and stated, "I really don't care what you do on your property, but I really just don't want you passing in front of my home."

11.

Defendant LSP Trooper Scott Michael Lopez then inquired of Petitioner that, "If you wouldn't mind, would you please approach your property from the opposite direction?"

12.

Petitioner indicated back to Defendant LSP Trooper Scott Michael Lopez that he would be happy to have his trucks enter his property from the opposite direction as frequently as possible, and Petitioner considered the matter to all be resolved.

13.

Petitioner reached that conclusion irrespective of the fact that Defendant LSP Trooper Scott Michael Lopez admitted to Petitioner on Monday, June 14, 2021 that he had been, "working with St. Martin Parish government officials," to block Petitioner's ability to haul vegetative materials to his 33-acre property on which Defendant LSP Trooper Scott Michael Lopez pulled his driver over on that same day.

14.

Petitioner subsequently learned both by word-of-mouth and subsequently via sworn testimony on the part of St. Martin Parish President Chester Cedars at a Court Hearing on Tuesday, May 3, 2022 that Defendant LSP Trooper Scott Michael Lopez met with Mr. Cedars, and they both committed to proceeding forward with efforts to obtain injunctive relief against Petitioner regarding his ability to haul vegetative debris onto his 33-acre property on Duchamp Road in Broussard, Louisiana.

15.

Though Louisiana State Police (LSP) has disavowed Defendant LSP Trooper Scott Michael Lopez's actions, including the pullover of Petitioner's driver on June 14, 2021, LSP has indicated that, though Defendant LSP Trooper Scott Michael Lopez was not performing any law enforcement function during the pullover of Petitioner's driver on June 14, 2021, he should nevertheless have activated his body-worn camera for the pullover, and he failed to do so.

16.

Upon Petitioner learning of activities of Defendant LSP Trooper Scott Michael Lopez to be expanded upon shortly in this Petition, he felt he had little choice but to file an official complaint with LSP Internal Affairs.

17.

Petitioner filed that complaint with LSP Internal Affairs on November 19, 2021. That complaint is attached hereto and made a part hereof as Exhibit P-1.

18.

LSP, in a letter dated May 25, 2022 to Petitioner, has responded to Petitioner's complaint referenced in Paragraph 17 by sustaining an allegation that Defendant LSP Trooper Scott Lopez failed to activate his body-worn camera for his encounter with Petitioner's driver. That letter is attached hereto and made a part hereof as Exhibit P-2.

19.

Through public records requests, LSP did provide dashcam video of Defendant LSP Trooper Scott Michael Lopez's improper pullover, but that dashcam video was devoid of any audio.

20.

Also, through public records requests, LSP indicated that it could not provide audio files of incoming and outgoing phone calls from LSP Troop I Affiliate for the timeframe of 2 p.m. to 5 p.m. on Monday, June 14, 2021 because, “we were utilizing a temporary phone service on that date, and all recorded phone calls have been lost and we have no ability to recover them.”

21.

Through communication with neighbors, and in particular Mr. Blake Dubroc, who lives across the street from Petitioner’s property, Petitioner learned that Defendant LSP Trooper Scott Lopez was going door-to-door actively recruiting residents to join his efforts to seek injunctive relief against Petitioner to block his ability to haul vegetative materials to his property.

22.

It was those activities, which were contrary to Petitioner’s understanding of how everything stood between him and Defendant LSP Trooper Scott Lopez that prompted Petitioner to file the complaint referenced in Paragraph 16.

23.

Petitioner provides as evidence of these door-to-door visits Page nine (9) of Exhibit P-1, attached hereto and made a part hereof, a text message from neighbor Blake Dubroc.

24.

In a text message Petitioner sent to Mr. Dubroc on Monday, July 5, 2021 at 7:57 a.m., Petitioner inquired of Mr. Dubroc, “I got a question when the trooper that (sic) lives down the road stop (sic) by your house the other day to talk to you about running me out of town, did he have his uniform on?”

25.

Mr. Dubroc replied back via text at 9:24 a.m. on July 5, 2021 that, “he stopped by to tell about the situation going on, but don’t recall him saying anything about running you out of town.”

26.

Defendant LSP Trooper Scott Michael Lopez commenced to actively visit with neighbors and disseminate false information, to include written material, that is defamatory per se.

27.

Petitioner includes as evidence of that defamatory material a flyer entitled, “Stop the dump,” with the word Stop in the form of a red stop sign. That on-its-face libelous material is attached hereto and made a part hereof as Exhibit P-3.

28.

Defendant LSP Trooper Scott Michael Lopez attended a meeting of the St. Martin Parish Planning and Zoning Commission on January 6, 2022.

29.

Upon information and belief, and in direct defiance of the third-to-last paragraph of Petitioner’s complaint filed on November 20, 2021, Defendant LSP Trooper Scott Michael Lopez retaliated against Petitioner for him having filed the complaint at that January 6, 2022 meeting.

30.

Further, upon information and belief, Petitioner avers that Defendant LSP Trooper Scott Michael Lopez acted with actual malice toward Petitioner on January 6, 2022 when he made false and defamatory statements to the members of the St. Martin Parish Planning and Zoning Commission.

31.

At that January 6, 2022 meeting of the St. Martin Parish Planning and Zoning Commission, Defendant LSP Trooper Scott Michael Lopez made repeated false, defamatory statements about Petitioner in an effort to defeat a proposal Petitioner had pending before that Commission to have his property Zoned Agricultural 2 as requested by Parish President Chester Cedars in order to be able to haul vegetative materials onto Petitioner’s property.

32.

Defendant LSP Trooper Scott Michael Lopez went on an approximate 10-minute tirade of personal attacks against Petitioner, all of which were videotaped and will be shown as evidence at trial.

33.

Defendant LSP Trooper Scott Michael Lopez repeatedly accused Petitioner of committing “illegal acts” entailing his property, indicated that Petitioner has engaged in the “sale of hay for profit,” (which is false) and in the “sale of livestock for profit” (which is also false).

34.

Petitioner has committed no illegal acts on his property and, furthermore, Petitioner has never sold the first bail of hay nor the first cow from any operation his family farm on Duchamp Road in Broussard, Louisiana.

35.

Defendant LSP Trooper Scott Michael Lopez also falsely accused Petitioner of “charging others to dump vegetative materials on his property.”

36.

When St. Martin Parish Government legal counsel Allan “Sprinky” Durand called upon Defendant LSP Trooper Scott Michael Lopez to back up that claim that Petitioner had “charged others to dump on Mr. Broussard’s property,” Defendant LSP Trooper Scott Michael Lopez produced a photograph of a “purple dump truck” and indicated to the entire slate of Planning and Zoning Commissioners that Petitioner had charged the owner of the purple dump truck to dump vegetative debris on his property.

37.

Defendant LSP Trooper Scott Michael Lopez’s blatantly false and defamatory statements were stated with actual malice with the goal of causing the Members of the St. Martin Parish Planning and Zoning Commission to vote “no” on Petitioner’s requested zoning application.

38.

Through diligent efforts, Petitioner was able to locate the owner of the “purple dump truck.” His name is Arthur Trahan.

39.

Petitioner contacted Mr. Trahan on Monday, May 2, 2022 and recorded the phone conversation. In that recorded phone call, Mr. Trahan made the following statements:

- A) That he's never gone on Petitioner's property;
- B) That he almost never hauls vegetative materials but mainly hauls materials for construction;
- C) That he has made deliveries to Petitioner's Laotian neighbors;
- D) That he knows Defendant LSP Trooper Scott Michael Lopez "real good," (sic)
- E) That he also is related to Defendant LSP Trooper Scott Michael Lopez's one-time, and perhaps still current, LSP supervisor, John Trahan;
- F) That Defendant LSP Trooper Scott Michael Lopez's neighbors have blocked off Duchamp Road and told him, "Cuz, you can't pass,"
- G) That he responded to Duchamp Road being blocked off with, "You better unblock this road. They got people on this road trying to haul materials."

40.

As a result of the actions of Defendant LSP Trooper Scott Michael Lopez outlined in Paragraphs 28-39, Petitioner filed a second complaint against Defendant LSP Trooper Scott Michael Lopez. That complaint, which was filed on January 24, 2022 is attached hereto and made a part hereof as Exhibit P-4.

41.

In a letter from LSP dated May 25, 2022, LSP responded to Petitioner's complaint referenced in Paragraph 40 by sustaining Petitioner's allegation that Defendant LSP Trooper Scott Michael Lopez engaged in Conduct Unbecoming an LSP Trooper at the January 6, 2022 meeting of the St. Martin Parish Planning and Zoning Meeting. That letter is attached hereto and made a part hereof as Exhibit P-5.

41(a).

As has been repeatedly referenced by LSP Col. Lamar Davis, it matters not whether an LSP Trooper is on duty or off duty regarding conduct which LSP can assess as being unbecoming of an LSP Trooper.

42.

The second-to-last paragraph of both of the above two complaints contain wording provided by LSP which is replicated below:

“I have been advised that Louisiana State Police has a policy prohibiting retaliation for filing a complaint against an officer. In the event I believe I have been retaliated against for filing this complaint, I understand that I may report such information to Internal Affairs for investigation.”

42(a).

Not only did Defendant LSP Trooper Scott Lopez ignore the non-retaliation paragraph of the complaint stated in Paragraph 42 regarding the first complaint filed on November 20, 2021 by engaging in his actions of January 6, 2022 in retaliation for that first complaint, but he further aided and abetted his son, Defendant Benjamin Cole Lopez, into filing a baseless and false complaint with the St. Martin Parish Sheriff's Office in direct retaliation to the second complaint filed on January 24, 2022.

43.

Just as Defendant LSP Trooper Scott Michael Lopez ignored the plainly-written language of the complaint form specifying that he could not retaliate against Petitioner for filing the first complaint of November 19, 2021, Defendant LSP Trooper Scott Lopez once again retaliated against Petitioner entailing the second complaint of January 24, 2022.

44.

Based on the false and defamatory statements made by both Defendant LSP Trooper Scott Michael Lopez and Defendant Benjamin Cole Lopez, Petitioner had an arrest warrant issued against him; furthermore, Petitioner was in fact arrested thus causing Petitioner to be further defamed by the actions of Defendant LSP Trooper Scott Michael Lopez and his son, Defendant Benjamin Cole Lopez.

45.

On April 25, 2022 at approximately 4:30 p.m., Petitioner was making a routine trip in his truck and nearing his 33-acre property located at 1675 Duchamp Road in Broussard, Louisiana. The truck was empty and had no load of any kind within its bed.

46.

Petitioner noticed a heavily-tinted (likely exceeding the legal limit for such tinting) vehicle actively trailing Petitioner's truck.

47.

Believing that his truck must be dragging a garbage can or be having some other problem, Petitioner pulled his truck over to examine if there was a problem.

48.

The driver of the vehicle rolled down his window and retrieved a cell phone from his dashboard which had obviously been utilized to videotape Petitioner traveling along Duchamp Road.

49.

Petitioner noticed the driver of the truck removing the cell phone from his dashboard and commencing to point the cell phone toward him and obviously continuing to videotape Petitioner.

50.

Petitioner then recognized the driver of the vehicle as Defendant Benjamin Cole Lopez, who is the 18-year-old son of Defendant LSP Trooper Scott Lopez.

51.

Petitioner then inquired of Defendant Benjamin Cole Lopez, “You need some help, buddy?”

52.

Defendant Benjamin Cole Lopez then stated, “No. I’m fine.”

53.

Petitioner then returned to his truck and drove the short distance to his 33-acre property located at 1675 Duchamp Road, Broussard, Louisiana, which is a very short distance from Defendant Benjamin Cole Lopez and Defendant LSP Trooper Scott Lopez’s residence.

54.

Believing that the actions of Defendant Benjamin Cole Lopez were a little strange, Petitioner then obtained his own cell phone to record Defendant Benjamin Cole Lopez once he had passed Defendant’s property on Duchamp Road.

55.

Defendant Benjamin Cole Lopez proceeded to turn his vehicle around in a neighbor’s yard a few houses down from Petitioner’s Property.

56.

Defendant Benjamin Cole Lopez then proceeded to pass directly in front of Petitioner, who was standing on his property beside the road.

57.

Defendant Benjamin Cole Lopez then spread two of his fingers and made a hand signal to Petitioner which was unfamiliar to him.

58.

Petitioner has since learned that children and young adults make that hand signal to communicate the word “loser” to the individual to whom the hand signal is directed.

59.

Defendant Benjamin Cole Lopez then stated to Petitioner as he slowly drove his vehicle past Petitioner, “I hope you got a good picture of me.” Petitioner videotaped the episode from the point of Defendant Benjamin Cole Lopez turning around in the neighbor’s driveway and proceeding back toward Petitioner and him making the statement in this paragraph and directing the hand signal at Petitioner referenced in Paragraph 57 above.

60.

Petitioner was then notified by the St. Martin Parish Sheriff that a complaint had been filed against Petitioner, with said complaint entailing a “voluntary statement” from Defendant Benjamin Cole Lopez together with the video supplied by Defendant Benjamin Cole Lopez.

61.

St. Martin Parish Deputy Sheriff Baily Myles Romero, who is himself a 24-year-old Deputy and who, upon information and belief, is neighbors with Defendant Trooper Scott Michael Lopez and Defendant’s 18-year-old son, Benjamin Cole Lopez and who, upon information and belief, resides at 1291 Duchamp Road, Broussard, Louisiana, executed a Sworn Affidavit for Petitioner’s arrest. In his sworn affidavit, Romero made the following statements:

“On April 25, 2022, at approximately 1634 hours, I, Deputy Baily Romero employed with St. Martin Parish Sheriff’s Office, Patrol Division, responded to a disturbance, at the address of 1734 Duchamp Road. Contact was made with complainant Benjamin Lopez, who stated he was involved in a disturbance with Billy Broussard. Lopez stated the nearby community is partaking in a “civil suit” against Billy in reference to him dumping and operating a business on his property. Lopez stated a common practice of his, is to record Billy driving his work truck when he is driving it on Duchamp Road. Lopez stated he saw

Broussard coming down the road in the truck at which point he parked his vehicle off of the roadway and recorded Broussard passing by from the inside of his vehicle. Lopez stated he then entered the roadway, behind Broussard, continuing his commute; At which point Broussard stopped his truck in the roadway, blocking one lane of travel. Lopez stated Broussard placed his truck in park, exited the driver's seat, and approached his vehicle, asking "you got a problem?" Lopez stated no and Broussard walked back to his truck and then pulled into his property feet down the roadway. Lopez provided a written voluntary statement and wished to pursue charges.....

I am hereby requesting that this warrant be approved, for the arrest of Billy Broussard, for the violation of L. A. R. S. 14:100.1 Obstructing a Public Passage.

I hereby certify under oath the information contained herein to be true and correct, to the best of my knowledge, under penalties of perjury.

62.

Deputy Romero, in communications with Petitioner, indicated that Defendants LSP Trooper Scott Lopez and his 18-year-old son, Defendant Benjamin Cole Lopez, sought for the St. Martin Parish Sheriff's Office to arrest Petitioner for "simple assault."

63.

Deputy Romero indicated that Defendant Benjamin Cole Lopez stated to him that he "felt threatened" when Petitioner exited his vehicle, which Petitioner did only as a result of Defendant Benjamin Cole Lopez following his vehicle at an unsafe and inadequate distance, thus prompting Petitioner to believe something must be wrong such as Petitioner dragging a garbage can or some other item.

64.

When Petitioner contacted Deputy Romero to obtain an update on the status of developments, he was informed that Deputy Romero was bypassing the District Attorney's Office and submitting the Application for Arrest Warrant directly to a Judge at 16th Judicial District Court.

65.

Deputy Romero indicated that the Application for Arrest Warrant was submitted to 16th JDC Judge Lewis Pittman; however, Judge Pittman declined to sign the Arrest Warrant Application.

66.

When Judge Pittman declined to sign and approve the Application for Arrest Warrant, Deputy Romero indicated to Petitioner that the Application would be resubmitted but this time to Judge Suzanne deMahy.

67.

Judge deMahy approved the Application for Arrest Warrant within minutes of it being submitted to her for approval, and the Arrest Warrant was approved and issued on May 9, 2022 at 9:04 p.m.

68.

Public records requests were submitted to the St. Martin Parish Sheriff's Office by video blogger Robert Burns of *Sound Off Louisiana* on May 13, 2022 seeking the following documents and/or media:

- A. All complaints filed against Billy Broussard from January 1, 2020 through May 13, 2020;
- B. Incident reports responsive to item A) above;
- C. Sworn affidavits to include but not be limited to any sworn affidavit executed by Benjamin Cole Lopez, application(s) for arrest warrants, executed arrest warrant(s), and any citations issued;
- D. Documentation for any traffic violation(s) in which an arrest warrant application was sent directly to the judge for the period of January 1, 2019 through the current date; [Burns followed that request up with a notation that item (D) is intended to include any citizen and not be limited to Billy Broussard].

69.

Civil Process Clerk at the St. Martin Parish Sheriff's Office, Karen Berthelot, has been in regular communication with video blogger Robert Burns regarding the status of his public records request. Here are her latest communications sent to Mr. Burns via email:

On May 27, 2022, at 7:16 AM, Karen Berthelot <kalatiolais@stmartinsheriff.org> wrote:

Good morning,

I'm still waiting on one video, once that is received it has to be approved by our Chief Legal Counsel. Once approved an invoice will be made and we will notify you. Payment is required before we release the files.

With Kindest Regards,

Karen

On May 25, 2022, at 7:11 AM, Karen Berthelot <kalatiolais@stmartinsheriff.org> wrote:

Good morning Mr. Burns,

I have the records pulled and printed, I am now waiting on the videos from our patrol office. I was advised on yesterday, that those were being done, so hopefully I'll have everything ready for you by the end of this week.

If you have any questions, please feel free to contact me.

Sincerely,

Karen Berthelot

70.

In an abundance of caution entailing Prescription, Petitioner is proceeding forward with filing this Cause of Action against Defendants and will amend and/or supplement it at a later date with the requested documents and media files from the St. Martin Parish Sheriff's Office.

71.

The allegations made in the report of Deputy Romero on the part of Defendant Benjamin Cole Lopez are false and defamatory per se.

72.

Upon information and belief, Defendant LSP Trooper Scott Michael Lopez leaned heavily on St. Martin Parish Sheriff Deputy Baily Myles Romero both as a fellow law-enforcement officer and a neighbor residing on the same street as Defendant LSP Trooper Scott Michael Lopez to document the false and defamatory statements made in Romero's affidavit on the part of Defendant Benjamin Cole Lopez's "voluntary statement." Further, upon information and belief, that action by Defendant LSP Trooper Scott Michael Lopez was engaged in actual malice and with the sole intent of effectuating a baseless and groundless Arrest Warrant against Petitioner.

73.

Petitioner submits that no one who feels "threatened" would turn a vehicle around, drive it directly back toward the alleged person having made him feel "threatened," and taunt that individual by saying, "I hope you got a good picture of me."

74.

When Petitioner asked Deputy Romero whether the video supplied by Defendant Benjamin Cole Lopez depicted Petitioner causing or uttering any words and/or engaging in any action to justify a claim of "simple assault," for which a separate application for Arrest Warrant was applied for but went unsigned by any judge, Romero responded, "That part of the video was missing."

75.

Defendant Benjamin Cole Lopez also made defamatory commentary about Petitioner at the January 6, 2022 St. Martin Parish Planning and Zoning meeting to

include, but not be limited to, falsely referencing Petitioner's property as a "dump," accusing Petitioner of, "already not following the restrictions on the property that apply," and that Petitioner is "storing and selling hay" from Petitioner's property.

76.

Petitioner will demonstrate at trial that Defendants LSP Trooper Scott Michael Lopez and Benjamin Cole Lopez have engaged in a systematic campaign entailing false and defamatory statements made against Petitioner; furthermore, these false and defamatory statements have been made with actual malice toward Petitioner for Petitioner having filed two complaints with Defendant LSP Trooper Scott's Michael Lopez's employer, the Internal Affairs Division of Louisiana State Police.

77.

In making their false and defamatory statements about Petitioner, Defendants LSP Trooper Scott Michael Lopez and Benjamin Cole Lopez have inflicted significant harm to Petitioner's reputation, good name, and without question have caused him significant added expense to defend against false and defamatory accusations, with Defendant LSP Trooper Scott Michael Lopez, in particular, taking matters beyond the pale and manufacturing false "evidence" against Petitioner in the form of a "purple truck" that he knew had never been on Petitioner's property but was instead owned by a friend of his, Arthur Trahan, and that Trahan was directly related to his prior and/or current supervisor LSP Trooper John Trahan. Defendant LSP Trooper Lopez falsely represented to the St. Martin Parish Planning and Zoning Commission that Petitioner had charged the owner of that truck to offload vegetative debris onto his property when he knew what he was stating to the Commission Members was blatantly false!

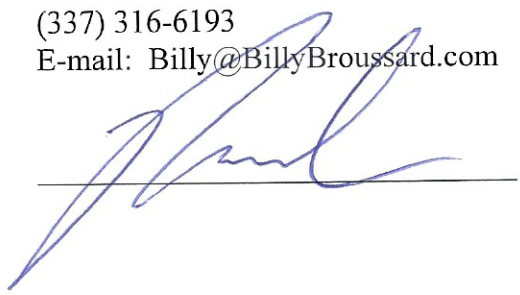
78.

Petitioner is entitled to and does in fact seek a trial by jury since the amount in controversy exceeds \$10,000.

WHEREFORE, petitioner, BILLY BROUSSARD, prays that Defendants, SCOTT MICHAEL LOPEZ and BENJAMIN COLE LOPEZ 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 petitioner, BILLY BROUSSARD, and against defendants, SCOTT MICHAEL LOPEZ and BENJAMIN

Respectfully Submitted,

Billy Broussard
1307 South Main
Breaux Bride, LA 70517
(337) 316-6193
E-mail: Billy@BillyBroussard.com



PLEASE SERVE:

**SCOTT LOPEZ
1734 DUCHAMP ROAD
BROUSSARD, LOUISIANA 70518**

**BENJAMIN COLE LOPEZ
1734 DUCHAMP ROAD
BROUSSARD, LOUISIANA 70518**

RECEIVED AND FILED

MAY 31 2022

**Deputy Clerk of Court
St. Martin Parish, LA**

**DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE**

COMPLAINANT

PERSONNEL COMPLAINT AFFIDAVIT PAGE

- Fill in all blanks at the top of the page (Date & Time when affidavit is completed, and all complainant information).
- "Parish of" is the parish where the affidavit is completed.
- The blank after "Before me, the undersigned authority" remains blank and will be completed by the Trooper or Notary.
- The blank after "Personally came and appeared" is the complainant's name.
- The blank after "Do hereby file an official complaint against" is the Trooper or DPS Officer's name, if known.
- Initial the bottom right corner of each page

ALL CONTINUATION PAGES

- Fill in all blanks in the complainant information portion at the top of the page (Name, Date of Birth, Age, DL#, State).

LAST PAGE

- Fill in all known information into the witness information blanks at the top of the page.
- The blank after "Thus done, read and signed at" should be the city where the Affidavit is completed.
- The blank after "State of Louisiana, this" should be the numerical day of the month, the blank after "day of" should be the month, and the blank after this should be the numerical year. All information in this section should be when the Affidavit is completed, **NOT** when the incident took place.
- The "AFFIANT" blank is for the complainant's signature and **must be signed in the presence of the EX-OFFICIO / NOTARY PUBLIC.**
- The "EX-OFFICIO/NOTARY PUBLIC" should be left blank as well as all information below this. It will be completed by the person taking the complaint or the Notary.

TROOPER OR NOTARY

PERSONNEL COMPLAINT AFFIDAVIT PAGE

- **Trooper Only:** Complete all information in the "Internal Use Only" box that is known. If one of the blanks is unknown, leave it blank. After complete, submit to the Troop or Section Commander.
- Your name should go into the blank after "the undersigned authority".

LAST PAGE

- Your name goes in the blank above "EX-OFFICIO / NOTARY PUBLIC" and circle the appropriate title.
- Print your name in the corresponding blank.
- Put your EX-OFFICIO or NOTARY NUMBER in the corresponding blank.
- **Trooper Only:** Your commission expires "effective until rescinded."
- **Notary Only:** Your commission expires on the date listed on your card.

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT

DATE: 11/19/21
TIME: 12:16 PM

Internal Use Only	
Date Written Affidavit Received:	_____
IA or Non IA Case Number	_____
Assigned to:	Date Assigned: _____

(COMPLAINANT INFORMATION)

NAME: Billy Broussard

DATE OF BIRTH: September 1, 1978 AGE: 43 D.L. #: 006654086 STATE: Louisiana

PHYSICAL ADDRESS: 1307 South Main Breaux Bridge

CITY: Breaux Bridge STATE: Louisiana ZIP CODE: 70517

TELEPHONE (RESIDENCE): _____ CELL PHONE: (337) 316-6193

STATE OF LOUISIANA

AFFIDAVIT

PARISH OF St. Martin

Before me, the undersigned authority Tammyer Fawcett, personally came and appeared: Billy Broussard, who after being duly sworn, deposed as follows:

I, the undersigned, do hereby file an official complaint against Trooper Scott Lopez.

My complaint is as follows:

On Monday, June 14, 2021 on or around 4:00 p.m. Mr. Robert Earl Miller was driving on Duchamp Road in Broussard, Louisiana in St. Martin Parish in a vehicle owned by me. As he passed by Louisiana State Trooper Scott Lopez's residence and he noticed his unit parked away from the road and facing his home, Trooper Lopez suddenly rushed out of his driveway, activated his sirens and lights on his unit, and ultimately pulled Mr. Miller over onto a vacant, 33-acre property also owned by me. Trooper Lopez proceeded to angrily state to Mr. Miller: "You better not drive down my road again if you know what's good for you!" Mr. Miller immediately called me and informed me of Trooper Lopez's statements to him and emphasized the fact that Trooper Lopez angrily stated to Mr. Miller that, if he (Lopez) did see Mr. Miller driving down "his" road again, he would issue him a citation.

I then contacted Troop I and relayed the entire incident to Troop I command. Admittedly, I was irate that a Louisiana State Trooper would brazenly declare a public road (and I had to emphasize repeatedly to Troop I command that the Road, Duchamp Road, is a public road paid for with taxpayer dollars) to be his own and that he somehow had the authority to demand that me or anyone else, as a taxpayer, would be prohibited from driving down a public road and, in so doing, pass by his personal residence.

Troop I Command indicated to me that they were going to make some phone calls; however, prior to

BB

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT
CONTINUATION PAGE

COMPLAINANT INFORMATION

NAME: Billy Broussard

DATE OF BIRTH: September 1, 1978 AGE: 43 D.L #: 006654086 STATE: Louisiana

Continuation Page:

ending the phone call with me, it was concluded that Trooper Lopez may just, "be having a bad day."

Trooper Lopez soon then called me himself and said that he had nothing against me or any of my family and that, if I would not mind, would I approach my 33-acre property from the opposite direction. He then stated, "Look, I really don't care what you're doing on the property. I just don't want you passing in front of my home." I told Trooper Lopez that, whenever it was feasible, we would approach my property from the opposite direction; however, I want to emphasize that, depending upon where we're traveling from, it would add significant additional mileage and time to approach my property from the the opposite direction unless we are already on that side of town.

What disturbed me most about Trooper Lopez's conversation with me is that he voluntarily stated that he had "been working with Parish officials" regarding my property. In fact, he met with parish officials the very next evening after the incident (i.e. on Tuesday, June 15, 2021). Six (6) days later, on June 21, 2021, I received a certified Cease and Desist (C & D) letter in the mail directing to me discontinue all farming operations on the property. A copy of the C & D letter is included with this complaint. I assert that it was inappropriate for Trooper Lopez to be coordinating with St. Martin Parish officials to attempt to shut down my farming operations. As will be explained shortly in this complaint, it turns out that St. Martin Parish officials filed an illegal restraining order in an attempt to shut my farming operations down.

In apparent efforts to "work with Parish officials" to shut down my farming operations, Trooper Lopez went door-to-door to surrounding homeowners to solicit support form them to have my farming operations shut down. As evidence to support this claim, I include a text message from a neighbor, Mr. Blake Dubroc, sent to me on Monday, July 5, 2021 that Trooper Lopez knocked on his door and talked to him about "the situation going on."

On August 31, 2021, St. Martin Parish President Chester Cedars filed an illegal Temporary Restraining Order to shut my farming operations down. Included in that Temporary Restraining Order were two planned witnesses for a court hearing to convert the Temporary Restraining Order to a Preliminary Injunction. At the top of the list of witnesses was none other than "Scott Lopez," though his status as a Louisiana

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT
CONTINUATION PAGE

COMPLAINANT INFORMATION

NAME: Billy Broussard

DATE OF BIRTH: September 1, 1978 AGE: 43 D.L #: 006654086 STATE: Louisiana

Continuation Page:

State Trooper was conveniently left off of the itemization of names. The only other non-parish official listed on the witness list is neighbor Blake Dubroc, whom Trooper Lopez specifically sought to assist him in his efforts to, in concert with Parish President Chester Cedars, illegally shut my farming operations down. A copy of the list of witnesses is provided with this complaint.

I retained an attorney, Mr. Michael Adley, at a cost of over \$20,000, who successfully asserted in court filings that the efforts of Trooper Lopez and Parish President Cedars constituted a "crusade" to "harass" me! I assert that Trooper Lopez has engaged in conduct unbecoming of an LSP Trooper in his belligerent harassment of the driver of my vehicle, in his efforts to "work with Parish officials" in an illegal effort to shut down my farming operations, and, as part of those efforts, going door-to-door to solicit neighbors' assistance. In short, St. Martin Parish President Chester Cedars and Trooper Lopez teamed up to illegally shut down my farming operations. I include a copy of my attorney's court filings with this complaint.

As a result of my attorney's filing included with this complaint, Parish President Chester Cedars requested that the court hearing scheduled for converting the illegal Temporary Restraining Order to a Preliminary Injunction be canceled, and it was. I was also informed by Parish officials that I was free to resume all of my prior operations which had been halted by the illegal Temporary Restraining Order.

It is my firm belief that Trooper Lopez has subjected both himself and Louisiana State Police to liability for my attorneys fees as well as potentially other damages by his actions entailing this matter.

A long-standing public records request by the founder of the video blog Sound Off Louisiana, Robert Burns, has revealed the fact that LSP asserts that it has only one (1) video associated with Trooper Lopez's actions on Monday, June 14, 2021. Further, despite the fact that Capt. Nick Manale stated that "body-cam" video of the incident had been "recovered," the reality is that the one (1) video produced in response to the public records request, which is dash-cam video and NOT body-cam video as Capt. Manale stated to be the case, (see additional continuation page provided with this complaint labeled as Page "4a" of 5).

BB

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT
CONTINUATION PAGE

Complainant: Billy Broussard

Date of Birth: 9/1/78. Driver's License Number: 006654086.

State: Louisiana

Age: 43.

is devoid of any audio. Given the inaccuracy of Capt. Manale's statement on the nature of the video, I can only assume that, similar to the Ronald Greene incident, Trooper Lopez turned off his body-cam as a result of his anger and intent to vent his anger to my driver after he'd pulled him over.

The dash-cam video of the incident, albeit it with no audio, is readily available for your review at the following link:

<https://youtu.be/xG6Omg4zH7o>

A copy of the applicable responses to Mr. Burns' public records requests and responses thereof are included with this complaint.

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

Witness information:

Name: Mr. Robert Earl Miller

Address: 2350 Cecilia High School Road, Lot B, Breau Bridge, Louisiana 70517

Telephone Number(s): 337-342-0809

Name: _____

Address: _____

Telephone Number(s): _____

Name: _____

Address: _____

Telephone Number(s): _____

Name: _____

Address: _____

Telephone Number(s): _____

I hereby swear or affirm that all of the information I have provided in this Affidavit is true and correct. I fully understand that by signing this affidavit, I will be required to appear at and testify if necessary, at any administrative hearing to which I am subpoenaed. I agree to return to testify when notified, and I realize that failing to do so may result in this complaint being terminated.

I agree to furnish, at my own expense, any medical records or documents and witness names which the State Police Internal Affairs investigation may request of me in regard to this complaint. I understand in order for there to be a thorough investigation my cooperation is required; and further that if I fail to cooperate or provide the records or witness names within ten working days that the investigation may be terminated.

I fully understand that any false statement I make to the State Police Internal Affairs investigators or designee, in regard to this complaint may be a violation of LRS 14:133.5, Filing a False Complaint Against a Law Enforcement Officer. The crime of filing a false complaint against a law enforcement officer is punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment in the Parish jail for up to six (6) months or both.

I have been advised that Louisiana State Police has a policy prohibiting retaliation for filing a complaint against an officer. In the event I believe I have been retaliated against for filing this complaint, I understand that I may report such information to Internal Affairs for investigation.

I certify that I have read this form and understand it in full, and that all of the information that I have given or will give to the State Police Internal Affairs investigators or designee is true and correct to the best of my knowledge.

Thus done, read and signed at Baton Rouge, State of Louisiana, this 19th day of November 2021.

[Signature]
AFFIANT

Tammy Crifasi Bourg
EX-OFFICIO / NOTARY PUBLIC
(circle one)

Tammy Crifasi Bourg
Notary Public #32485
My commission is for Life.

Tammy Crifasi Bourg
PRINT NAME

EX-OFFICIO or NOTARY NUMBER 32485

MY COMMISSION EXPIRES at death

Lee C. Durio

Attorney at Law

*A Limited Liability Company

241 West Mills Avenue
Breaux Bridge, Louisiana 70517
www.duriolaw.com

Phone: (337) 909-1111
Fax: (337) 909-1112
Email: leedurio@duriolaw.com

June 21, 2021

VIA U.S. CERTIFIED MAIL # 7018 0360 0000 4862 1578 AND U.S. REGULAR MAIL

Billy Broussard
1307 South Main Street
Breaux Bridge, Louisiana 70517

RE: CEASE and DESIST for activity on the property located on Duchamp Road.

Dear Mr. Broussard:

The undersigned counsel has been retained by St. Martin Parish Government in reference to you and your business conducting farming and or other commercial activities on property located on Duchamp Road in St. Martin Parish, Louisiana.

St. Martin Parish Government has learned by not only self-admission, but after an investigation that you are using the property for a commercial mushroom farm and as a dump site for discarded cut down logs and tree limbs from your tree service business.

The property in question is currently zoned as (R-2) Mixed Residential. Permitted uses for this area is: Single-family dwellings (1 per lot); parish parks and playgrounds and facilities in conjunction therewith; libraries; museums; churches; public schools; private schools (except business and trade schools); private recreational uses; private gardens; private nurseries; private garages; home occupations; accessory uses; fire and police stations; single mobile homes (1 per lot); duplexes (1 per lot); and mobile home subdivisions (lots for sale) (see St. Martin Parish Code of Ordinances Article XVII, Appendix A).

Mushroom farming and the dumping of discarded logs and tree limbs do not fall within any permitted uses for property zoned as (R-2) Mixed Residential pursuant to the St. Martin Parish Code of Ordinances. This activity is considered agricultural and commercial in nature.

Please consider this correspondence an immediate **CEASE** and **DESIST** of any farming, agricultural, dumpsite, and commercial activity on the property located on Duchamp Road, St. Martin Parish, Louisiana.

Should this activity continue St. Martin Parish Government is prepared to institute litigation to enjoin you from continuing this activity.

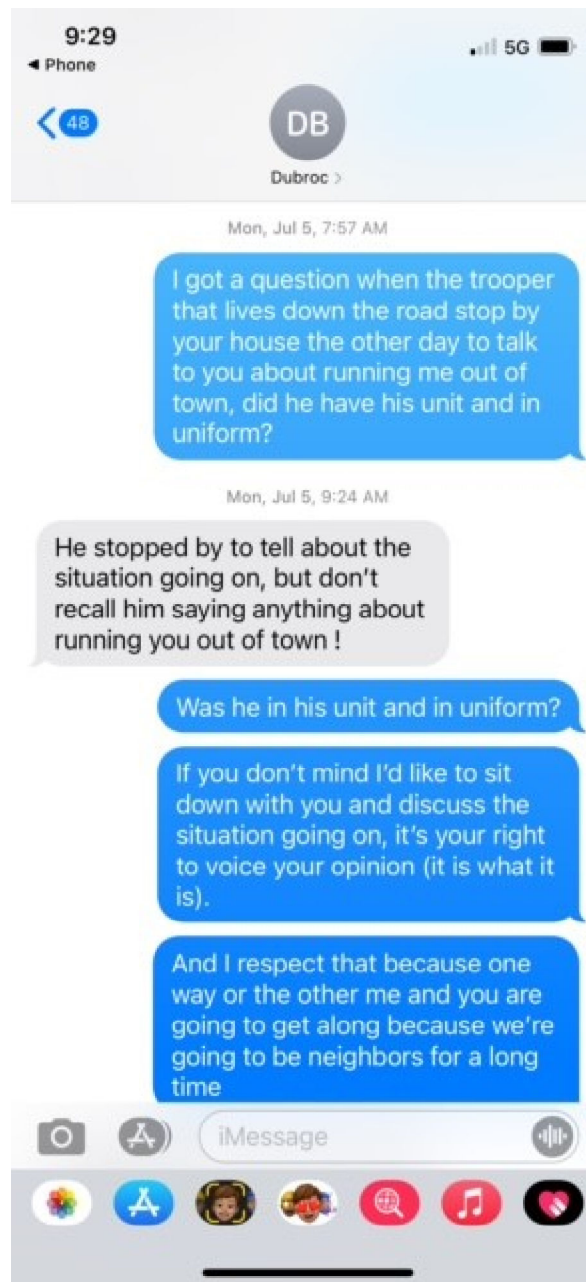
Thank you for your attention in this matter. Should you have any questions or concerns please do not hesitate to contact his office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee C. Durio', with a stylized flourish at the end.

Lee C. Durio
L.A. Bar Roll: 37453

LCD/cp



A. WITNESS LIST

The following witnesses **MAY** be called at the trial of this matter.

1. Ronald Solarie, Parish Employee;
2. Scott Lopez, Witness;
3. Blake Dubroc; Witness;
4. Evan Mautrin; Witness
5. Brooke Gillespie; Parish Clerk of Council;
6. Any named Defendant;
7. Any and all parties or witnesses listed by any other party;
8. Any witnesses that may be necessary in rebuttal to Plaintiff's witnesses

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

NO. 90,830

DIVISION: B

ST. MARTIN PARISH GOVERNMENT

v.

BILLY BROUSSARD ET AL.

FILED: _____
DEPUTY CLERK

PRE-TRIAL MEMORANDUM

MAY IT PLEASE THE COURT:

Defendants, herein, BILLY BROUSSARD, BILLY BROUSSARD FARM AND LAND DEVELOPMENT, LLC, and BROUSSARD COMPANIES, LLC,¹ respectfully submit this Pre-Trial Memorandum in response to the “Petition for Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief” filed on behalf of St. Martin Parish Government (“SMPG”). For the reasons contained herein, the petition should be denied/dismissed.

Background

Billy Broussard is a resident of St. Martin Parish, Louisiana. He is the manager of Billy Broussard Farm and Land Development, LLC (“Billy Broussard Farm and Land”). Billy Broussard Farm and Land owns the tract of land bearing the municipal address 1675 Duchamp Road Broussard, Louisiana 70518 (“1675 Duchamp Road”)—not 1775 as identified in the “Petition for Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief.”

1675 Duchamp Road is an expansive 35-acre property. Before Billy Broussard Farm and Land purchased the property it was overgrown and served as a haven for drug users. Drug abusers slept in tents spread out all across the property. The property was both an eyesore and a danger. Billy Broussard Farm and Land cleaned the property, raising the surrounding property values in the process. It is no longer a drug haven. Rather, it is now used to privately grow mushrooms.

Billy Broussard learned about the vast environmental benefits of growing mushrooms and has been experimenting with new methods for growth at 1675 Duchamp Road. If his experiments prove successful, Billy Broussard hopes to one day associate with local schools so that Four-H and agricultural clubs can learn from his experimental mushroom practices.

¹ Broussard Companies, LLC does not conduct any business. It is unrelated to the present dispute.

Billy Broussard also owns a tree cutting service. The tree cutting service is not located at or operated out of 1675 Duchamp Road. Billy Broussard does occasionally use tree and vegetative debris from his tree cutting service to feed the mushrooms he is privately growing at 1675 Duchamp Road.

Neither Billy Broussard nor Billy Broussard Farm and Land are violating any purported zoning ordinances at 1675 Duchamp Road. Nonetheless, SMPG has been on a crusade to interfere with Billy Broussard's use of 1675 Duchamp Road. SMPG claims 1675 Duchamp Road is zoned R-2 (Mixed Residential). Zone R-2 permits privately growing mushrooms as it allows private recreational use, private gardens, and private nurseries. SMPG, however, continues to harass Billy Broussard with allegations that he is conducting impermissible commercial activities on the property.

Perhaps in recognition that privately growing mushrooms would not violate its purported zoning ordinance, SMPG recently passed Ordinance No. 21-08-1329-OR which appears to be targeting Billy Broussard and Billy Broussard Farm and Land. The ordinance prohibits Billy Broussard Billy Broussard Farm and Land from placing any tree or vegetative debris on his own property, regardless of the use, upon penalty of fine or imprisonment if the tree or vegetative debris did not originate on land owned by Billy Broussard or Billy Broussard Farm and Land. Other residents of St. Martin Parish who would be affected by this ordinance told Billy Broussard they were advised by local officials that the ordinance would not be enforced against them.

SMPG has now instituted this suit seeking to enjoin Defendants from use of 1675 Duchamp Road. For the reasons contained herein, this petition should be denied/dismissed.

Law and Argument

I. The Zoning Ordinance is Unconstitutionally Vague and Ambiguous

SMPG seeks to enjoin Defendants pursuant to an unconstitutional zoning ordinance. St. Martin Parish is zoned by the division of the parish into various zoning, use districts. The zoning ordinance refers to a map to define the boundaries of the use districts:

Section 2. Zoning district map (defined)

The boundaries of the said districts are as defined in the Zoning District Identification File (Public Road Zoning Data File) which has been properly attested and placed on file in the office of the St. Martin Parish Clerk of Court. This Zoning District Identification File, together with all maps, notations, references, and other information thereon, is made part of this ordinance and has the same force and effect as if fully set forth or described herein.

Upon inquiry with the St. Martin Parish Clerk of Court, however, no “Zoning District Identification File” or “Zoning District Map” exists in the Clerk of Court’s office. Because zoning ordinances are “in derogation of an owner’s rights,”² courts have insisted on a level of formality in enacting zoning ordinances.³ As one court explained, in enacting zoning ordinances “[m]inimally every property owner is entitled to know with precision in which one of [the] districts his property has been placed.”⁴ Accordingly, courts have routinely invalidated/found unenforceable zoning ordinances when the “zoning map” referenced in the ordinance is not on file, non-existent or unclear.⁵

For example, in *Newton County v. East Georgia Land and Development Company*, a developer challenged Newton County’s May 21, 1985 zoning ordinance. The developer argued it was void because “the zoning ordinance at issue refers to—and purports to incorporate by reference—a set of maps identified in the ordinance as the ‘Official Zoning District Maps for Newtown County.’”⁶ There was nothing in the record, however, to show those maps existed at the time of enactment.⁷ Newton County tried to argue the ordinance was valid because it later adopted a zoning map that appeared in the record.⁸ The court rejected Newton County’s argument, explaining the ordinance was void on the date of enactment and could not be revived/cured simply by later adopting a zoning map.⁹ “The adoption of the ‘Official Zoning District Maps of Newton County’ on July 2, 1985 did nothing to revive the invalid ordinance of May 21, 1985.”¹⁰

Similarly, in *Board of County Commissioners v. Rohrbach*, the county sought to enjoin defendants commercial composting business, claiming its business was operating in an area zoned agricultural.¹¹ Like in the present case, the county defined its zoning areas by reference to a zoning map:

² *Vill. of Williston Park v. Israel*, 76 N.Y.S.2d 605, 607 (N.Y. Sup. Ct. 1948), aff’d, 94 N.Y.S.2d 921 (N.Y. App. Div. 1950), aff’d, 95 N.E.2d 208 (1950).

³ See e.g., *Newton Cty. v. E. Georgia Land & Dev. Co., LLC*, 764 S.E.2d 830, 833 (Ga. 2014) (“But the law requires such formalism, and as we have explained before, there are good reasons to insist upon such formalism in lawmaking, especially when it comes to the enactment of laws restraining the property rights of citizens.”).

⁴ *Keeney v. Village of LeRoy*, 254 N.Y.S. 2d 445, 447 (N.Y. App. Div. 1964).

⁵ See *Newton Cty. v. E. Georgia Land & Dev. Co., LLC*, 764 S.E.2d 830, 832-33 (Ga. 2014) (finding zoning ordinance void because it referred to and purported to incorporate a non-existent zoning district map); *Bd. of Cty. Comm’rs v. Rohrbach*, 226 P.3d 1184, 1188 (Colo. App. 2009) (reversing injunction for alleged zoning violation because the county failed to produce the zoning map referred to in the zoning ordinance); *Keeney v. Village of LeRoy*, 254 N.Y.S. 2d 445, 447 (N.Y. App. Div. 1964) (vitiating ordinance when the court could not determine which zoning map was the “official” zoning map referred to in the ordinance); *Vill. of Williston Park v. Israel*, 76 N.Y.S.2d 605, 608 (N.Y. Sup. Ct. 1948), aff’d, 94 N.Y.S.2d 921 (N.Y. App. Div. 1950), aff’d, 95 N.E.2d 208 (1950); *Moon v. Smith*, 189 So. 835, 838-39 (Fla. 1939) (finding the zoning ordinance ineffectual for failure to attach the District Map referred to in the ordinance).

⁶ *Newton Cty. v. E. Georgia Land & Dev. Co., LLC*, 764 S.E.2d 830, 831 (Ga. 2014).

⁷ *Id.* at 831-32.

⁸ *Id.* at 832-33.

⁹ *Id.*

¹⁰ *Id.* at 833.

¹¹ *Bd. of Cty. Comm’rs v. Rohrbach*, 226 P.3d 1184, 1185 (Colo. App. 2009).

The location of the zoning areas hereby established is shown on the accompanying map entitled “Official Zoning Map of Elbert County,” dated July 5, 1983, which is hereby made, along with explanatory matter thereon, a part of this Regulation. The Official Zoning Map, together with each amendment thereto, shall be filed in the office of the Elbert County Clerk; who shall also maintain a current map at all times. All amendments to the map made in conformity with this regulation shall be recorded on the map within thirty (30) days of its adoption, showing general location, effective date, and nature of the change.

....

The current Zoning Map and Zoning regulations will be available to the public in the Elbert County Planning Department and should be consulted for zoning information.¹²

At the trial on the injunction, the county produced various zoning maps, including maps from prior versions of the ordinance, but it was unable to produce the Official Zoning Map of Elbert County dated July 5, 1983 as referenced in the zoning ordinance.¹³ The trial court granted the injunction. The appellate court reversed. It reasoned the county could not prove the zoning without producing the Official Zoning Map of Elbert County dated July 5, 1983 and thus it was not entitled to an injunction.¹⁴

Likewise, in *Moon v. Smith*, the ordinance divided the city into various use districts.¹⁵ Like in the present case, the ordinance defined the boundaries of the use district by reference to a zoning map:

The City of Orlando is hereby divided into ten (10) districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this ordinance being designated as the ‘District Map’ and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.¹⁶

No map was attached to or made a part of the ordinance.¹⁷ Facing an argument that the ordinance was ineffective for failure to attach the map, the city tried to excuse their failure by introducing a map into evidence which they claimed, although not attached to the ordinance, was the actual “District Map.”¹⁸ The court rejected their argument and found the zoning ordinance ineffective.¹⁹

Here, just as in the foregoing, SMPG defined its zoning districts by reference to a zoning map. For its zoning ordinance to be effective/enforceable, SMPG was required to keep a copy of

¹² *Id.* at 1186.

¹³ *Id.* at 1186-87.

¹⁴ *Id.* at 1188-89 (“In sum, because the Board did not introduce a copy of the July 5, 1983 map in this case, it failed to prove that the Rohrbachs’ property was zoned agricultural.”).

¹⁵ *Moon v. Smith*, 189 So. 835, 838 (Fla. 1939).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 838-39.

¹⁹ *Id.*; *Keeney v. Village of LeRoy*, 254 N.Y.S. 2d 445, 447-48 (N.Y. App. Div. 1964) (finding the zoning ordinance vitiated when the court could not determine which of three maps presented was the official zoning map referenced in the zoning ordinance).

the official zoning map referred to in the ordinance on file with SMPG Clerk of Court. SMPG has not. Accordingly, its zoning is unconstitutional and unenforceable.

SMPG is well aware of this fatal flaw with their zoning ordinance. SPMG President Chester Cedars admitted he knew as early 2012 that the map and zoning file were not on file with the SMPG Clerk of Court as described in the zoning ordinance.

Moreover, this issue arose again, as recently as April 8, 2019, when SMPG tried and failed to use its invalid zoning ordinance to enjoin the operations of a local businessman. At the trial on the injunction, the SMPG Clerk of Court testified no “zoning map” was on file, but that mere days before the trial an “Official Road and Highways Map” was filed. There was no indication that this “Official Road and Highway Map” was the map referred to in the zoning ordinance.

As if this was not enough to demonstrate the ambiguity of the zoning ordinance, the attorney for SMPG represented to the court at the April 8, 2019 trial that the zoning ordinance only extends five hundred feet from the road in residential areas and that anything beyond five hundred has no zoning restrictions:

The Court:

Where’s the zoning map? Where’s the zones . . . ? What are the zones? To what extent does the zones extend?

SMPG:

It extends to both sides of the roads - -

The Court:

How far?

SMPG:

The zoning ordinance indicates, Your Honor, that it extends to five hundred feet of the road for industrial and residential. There’s no statement as to how far to the side of the road it extends for the W-1 and W-2 designations.

The Court:

So there’s some areas of the parish that are not zoned at all, according to your statements. If it only extends for five hundred feet from the road into a pasture that’s more than five hundred feet, there’s no zoning.

SMPG:

That would be correct, your Honor.

At the conclusion of the trial, the court ruled the zoning ordinance was void and ineffectual due to the aforementioned errors, stating:

The defendants have raised two exceptions to the zoning. Those are the vested rights and the zoning ordinance being void and ineffectual due to problems with the recordation and the adoption or notice provisions under the zoning ordinance. The Court finds that both are applicable.²⁰

These same deficiencies still exist with the SMPG zoning ordinance. Recent inquiry with the SMPG Clerk of Court's office confirmed the office still has no "Zoning District Identification File" or "Zoning District Map" on file as required by the zoning ordinance. Accordingly, the SMPG zoning ordinance is unconstitutionally vague and ambiguous and cannot be enforced.

II. Defendants are Not in Violation of the Zoning Ordinance

Even assuming, *arguendo*, the purported zoning ordinance is constitutional, Defendants are not in violation. SMPG contends 1675 Duchamp Road is zoned R-2 (Mixed Residential). Zoning District R-2 permits the following uses:

Single family dwellings (one per lot); parish parks and playgrounds and facilities in conjunction therewith; libraries; museums; churches; public schools; private schools (except business and trade); private recreational uses; private gardens; private nurseries; private garages; home occupations; accessory uses; fire and police stations; single mobile homes (one per lot); duplexes (one per lot); and mobile home subdivisions (lots for sale).

Billy Broussard Farm and Land privately grows mushrooms at 1675 Duchamp Road, which is permitted as a private recreational use, private garden, or private nursery. He occasionally uses tree debris to feed the mushrooms. No commercial activity is being conducted. The activity being conducted is permitted in zone R-2. Accordingly, Billy Broussard Farm and Land is not violating the purported zoning ordinance.

III. Ordinance No. 21-08-1329-OR Violates the Dormant Commerce Clause

Under the "dormant Commerce Clause" protectionist legislation is per-se invalid.²¹ "The evil of protectionism can reside in legislative means as well as legislative ends."²² A clear example of such legislation is "a law that overtly blocks the flow of interstate commerce at a State's borders."²³ The prohibition applies to not only a State that tries to hoard a resource or benefit, but also to the "attempt[s] by one State to isolate itself from a problem common to many by erecting a barrier against the movement of interstate trade."²⁴

²⁰ The finding that the zoning was void and ineffectual was not reviewed by the Louisiana Third Circuit Court of Appeal because it was not included in the decretal language of the written judgment as a concession to SMPG.

²¹ *City of Philadelphia v. New Jersey*, 437 U.S. 617, 623-24 (1978); *Vicksburg Healthcare, LLC v. State ex rel. Dep't of Health & Hosps.*, 2010-1248 (La. App. 1 Cir. 3/25/11), 63 So. 3d 205, 210 ("Under the dormant Commerce Clause, there is a 'virtually per se rule of invalidity' applicable to state regulations that directly discriminate against interstate commerce.").

²² *City of Philadelphia*, 437 U.S. at 626.

²³ *Id.* at 624.

²⁴ *Id.* at 628.

For example, in *City of Philadelphia v. New Jersey*, New Jersey legislature passed a law prohibiting the importation of solid and liquid waste originated or collected outside the State.²⁵ The legislature explained the quality of the environment in New Jersey was threatened by the increasing volume of liquid and solid waste and the decreasing capacity of the land fill sites within the State.²⁶ The United States Supreme Court explained New Jersey could not “isolate itself from a problem common to many by erecting a barrier against the movement of interstate trade.”²⁷ Accordingly, the Court held the law unconstitutional under the Commerce Clause of the Constitution, explaining:

The New Jersey law blocks the importation of waste in an obvious effort to saddle those outside the State with the entire burden of slowing the flow of refuse into New Jersey's remaining landfill sites. That legislative effort is clearly impermissible under the Commerce Clause of the Constitution.²⁸

It is irrelevant that, here, the law at issue was passed by a municipality rather than the State. “[A] State (or one of its political subdivisions) may not avoid the strictures of the Commerce Clause by curtailing the movement of articles of commerce through subdivisions of the State, rather than through the State itself.”²⁹ For example, in *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Department of Natural Resources*, a Michigan county forbid acceptance of solid waste for disposal if not generated within the county, absent explicit authorization.³⁰ The United States Supreme Court invalidated the law for the same reasons provided in *City of Philadelphia v. New Jersey*, despite the law discriminating against intra-state as well as interstate commerce.³¹ The Court would not permit the county to “isolate itself from the national economy.”³²

Here, just like in the aforementioned cases, SMPG has attempted to block the flow of interstate commerce, apparently, to isolate itself from a problem common to many. The ordinance suggests the transportation, dumping, or burning of tree and vegetative debris is a threat to the safety, health and welfare of its citizens. Accordingly, it seeks to prohibit the transportation of any tree or vegetative debris from outside the parish for dumping or burning inside the parish. The ordinance makes an exception for transportation, dumping, and burning of trees or vegetative debris that originated inside the parish. At the August 3, 2021 St. Martin Parish Council meeting,

²⁵ *Id.* at 618-19.

²⁶ *Id.* at 625.

²⁷ *Id.* at 628.

²⁸ *Id.* at 629.

²⁹ *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dep't of Nat. Res.*, 504 U.S. 353, 361 (1992).

³⁰ *Id.* at 357.

³¹ *Id.* at 358-68.

³² *Id.* at 361.

Parish President Chester Cedars confirmed the protectionist motivations when defending the ordinance:

It's a crying shame we have to go to Court to keep somebody from burning something in a neighborhood after they transported from probably outside of this parish and from another location, really and truly. So I support this ordinance. I think it's a good ordinance.

The ordinance is undoubtedly protectionist in nature. It seeks to discriminate against tree and vegetative debris from outside the parish. Tree and vegetative debris are items of commerce.³³

Accordingly, the ordinance is invalid, per se. The Commerce Clause does not allow St. Martin Parish to "isolate itself from the national economy."³⁴

IV. Ordinance No. 21-08-1329-OR is Overbroad, Vague and Arbitrary

"[A] zoning ordinance must be sufficiently definite to notify citizens of their rights pursuant to the ordinance" in order to be constitutional.³⁵ A "person of ordinary intelligence" must have a "reasonable opportunity to know what is prohibited so that he may act accordingly."³⁶ The constitution also imposes these requirements of definiteness and clarity to "prevent arbitrary and discriminatory application."³⁷ Lastly, the ordinance must bear "a substantial relation to the public health, safety, morals, or general welfare."³⁸ If the ordinance "is clearly arbitrary and unreasonable . . . it must be struck down."³⁹

Here, Ordinance No. 21-08-1329 is overly broad and/or vague. For example, the ordinance prohibits the transportation for the purposes of storing, dumping, or depositing "any building or construction materials, brush, limbs, trees, leaves, tires, trash, or any other refuse or abandoned items or materials whatsoever" unless it was generated on the person's own property in St. Martin Parish, subject to a fine or up to thirty days of imprisonment. As written, a St. Martin Parish resident who mulches their garden with mulch purchased from Wal-Mart could be imprisoned for up to thirty days. So too could a St. Martin Parish resident who purchases brick pavers from "Mike Baker Brick" in Lafayette Parish in order to install a brick patio. Both would be transporting tree or building material generated outside the parish for deposit onto their property within the parish. Such a vague and overly broad ordinance cannot be permitted. It will undoubtedly lead to

³³ "All objects of interstate trade merit Commerce Clause protection; none is excluded by definition at the outset." *City of Philadelphia v. New Jersey*, 437 U.S. 617, 622 (1978). The United States Supreme Court has recognized even solid and liquid waste is commerce. *Id. see also Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dep't of Nat. Res.*, 504 U.S. 353, 359 (1992) ("Solid waste, even if it has no value, is an article of commerce.").

³⁴ *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Dep't of Nat. Res.*, 504 U.S. 353, 361 (1992).

³⁵ *Summerell v. Phillips*, 282 So. 2d 450, 453 (La. 1973).

³⁶ *Wheeler v. City of Pleasant Grove*, 664 F.2d 99, 100 (5th Cir. 1981).

³⁷ *Med Exp. Ambulance Serv., Inc. v. Evangeline Par. Police Jury*, 96-0543 (La. 11/25/96), 684 So. 2d 359, 367.

³⁸ *Wheeler*, 664 F.2d at 100.

³⁹ *Id.* at 100

discriminatory or arbitrary enforcement. In fact, upon information and belief, this was the very purpose—to create a vague ordinance that could be used to discriminate against Defendants. Accordingly, for that reason, the ordinance must be invalidated.

Moreover, this ordinance is clearly arbitrary and not substantially related to public health, safety, morals or general welfare. The ordinance permits a St. Martin Parish resident to burn tree and vegetative debris generated on their own land. The ordinance also permits a St. Martin Parish resident to transport tree or vegetative debris generated on their own property to other property they own for burning. Per this ordinance, Billy Broussard could burn every single tree on his 35-acre property, and it would not be a nuisance nor would it threaten the safety, morals or general welfare of the public; however, if Billy Broussard merely deposits (not burns) a single cut tree on his property in order to feed his mushrooms and that tree originated outside of his property, it is a nuisance and threat to the safety, morals or general welfare of the public. This is a completely arbitrary and unreasonable restriction. Thus, for that reason, as well, the ordinance must be invalidated.

Conclusion

Considering the foregoing, BILLY BROUSSARD, BILLY BROUSSARD FARM AND LAND DEVELOPMENT, LLC, and BROUSSARD COMPANIES, LLC, respectfully request that the “Petition for Temporary Restraining Order, Preliminary Injunction and Permanent Injunctive Relief” be dismissed/denied.

Respectfully submitted:

GIBSON LAW PARTNERS, LLC

/s/ MICHAEL O. ADLEY

MICHAEL O. ADLEY (#37009)
2448 Johnston Street (70503)
P.O. Box 52124
Lafayette, LA 70505
Phone: (337) 761-6023
Fax: (337) 761-6061
michaeladley@gibsonlawpartners.com

and

THE LOGAN LAW FIRM
GREGORY J. LOGAN, #23395
700 Jefferson St.
Post Office Box 52704
Lafayette, LA 70505
Telephone (337) 406-9685

Attorneys for BILLY BROUSSARD, BILLY
BROUSSARD FARM AND LAND
DEVELOPMENT, LLC and BROUSSARD
COMPANIES, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing instrument has this day been
served on all parties through their counsel of record in this proceeding by:

☐ Hand Delivery ☐ Prepaid U.S. Mail ☒ Email
☐ Facsimile ☐ Overnight Mail Service

Lafayette, Louisiana, this 7th day of September, 2021.

/s/ MICHAEL O. ADLEY

MICHAEL O. ADLEY

From: [Laura Ellender](#)
To: robert@soundoffla.com
Cc: [Melissa Matey](#); [Gail Holland](#); [Nick Manale](#); [Eric Duplechain](#); [Nick Manale](#)
Subject: RE: Requested Video
Date: Friday, November 12, 2021 11:01:48 AM

Mr. Burns:

LSP – Troop I maintains one (1) recording that is responsive to your September 3, 2021 request for dash cam and/or body camera footage. Please be advised that there is no audio on this video. The recording is available to you via a link to evidence.com at the cost of \$25.00. Please submit payment via check or money order, made payable to Louisiana State Police, to Capt. Eric Duplechain at 121 E. Pont des Mouton, Lafayette, LA 70507. Once payment is received, the link will be forwarded to you.

Thanks,

Laura Hopes Ellender
Attorney
La. Dept. of Public Safety
7979 Independence Blvd.,
Suite 307
P.O. Box 66614 (70896)
Baton Rouge, LA 70806

CONFIDENTIALITY NOTICE:

This email communication may contain confidential information which also may be legally privileged and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

COMPUTER SYSTEM USE/CONSENT NOTICE:

This message was sent from a computer system which is the property of the State of Louisiana and the Department of Public Safety and Corrections/Office of Legal Affairs (DPS/OLA). It is for authorized business use only. Users (authorized or unauthorized) have no explicit or implicit expectation of privacy. Any or all uses of this system and all files on this system may be intercepted, monitored, recorded, copied, audited, inspected, and disclosed to DPS/OLA and law enforcement personnel. By using this system the user consents to such interception, monitoring, recording, copying, auditing, inspection, and disclosure at the discretion of DPS/OLA.

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>
Sent: Monday, October 25, 2021 4:13 PM
To: Nick Manale <Nick.Manale@la.gov>

Cc: Melissa Matey <Melissa.Matey@la.gov>; Chavez Cammon <Chavez.Cammon@la.gov>;
Adrienne Aucoin <Adrienne.Aucoin@la.gov>

Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Capt. Manale:

Hope you are doing well. I wanted to take a moment to request an update on the timeframe for obtaining the recorded phone calls referenced below. That request was estimated to take sixty (60) days to fulfill. Since the request was made on August 8, 2021, sixty days hence was Thursday, October 7, 2021.

Regarding the follow-up request for the dash cam and/or body cam video(s), the 60 days is not yet up for it. As evidenced below, the request was submitted on September 3, 2021, so 60-days thereafter would be Tuesday, November 2, 2021 (next Tuesday).

It's fine with me if LSP would like to fulfill both requests simultaneously on or before next Tuesday, but since the timeframe on the recorded phone calls passed 17 days ago, I wanted to touch base with you to ensure that they both can be fulfilled on schedule.

Thanks so much, and I look forward to hearing back from you.

Robert Edwin Burns, founder and author
SOUND OFF LOUISIANA
(225) 235-4346
Robert@SoundOffLA.com

From: [Nick Manale](#)
To: Robert@SoundOffLA.com
Cc: [Gail Holland](#); [Melissa Matey](#); [Nikita Garner](#)
Subject: RE: Public Records Request re 10/6/2021 LSP Helicopter Crash
Date: Wednesday, November 10, 2021 4:22:38 PM

Mr. Burns,

The time given by our legal staff in an initial response is an “estimated time reasonably necessary for collection, review, and any necessary redaction, of the documents which may be responsive to your request.”

Many factors may affect this estimated time of response including access to the files, necessary redactions, case reviews for ongoing criminal and civil litigation, etc.

As explained in an earlier email, the recorded phone lines were operating on a temporary replacement system at Troop I at the time of the request. Recovery of those files are still being attempted by our Office of Technology Services. If those files are recoverable, they will still need to be reviewed for citizens’ confidential information.

The body cam video was recovered and a link was previously sent to Ms. Aucoin, who resigned from the agency last week. Our legal staff is getting a new evidence.com link and that video will be reviewed for any necessary redactions.

Although we are working through staffing issues and an extensive list of records request, we do our best to fulfill all requests as timely as possible. As we are dealing with unique circumstances on these requests, we were not able to respond within the estimated response time; however, we are working in good faith to get these records ready for release as soon as possible.

Thank you for your understanding and patience on these requests.

Captain Nick Manale
Louisiana State Police
Public Affairs - Recruiting
Office: (225) 925-6202
Nick.Manale@la.gov

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>
Sent: Wednesday, November 10, 2021 3:59 PM
To: Nikita Garner <Nikita.Garner@la.gov>
Cc: Gail Holland <Gail.Holland@LA.GOV>; Nick Manale <Nick.Manale@la.gov>; Melissa Matey <Melissa.Matey@la.gov>
Subject: RE: Public Records Request re 10/6/2021 LSP Helicopter Crash

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

From: Nick Manale <Nick.Manale@la.gov>
Sent: Tuesday, October 26, 2021 10:25 AM
To: Robert@SoundOffLA.com
Cc: Melissa Matey
Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

Good morning,

I will follow up with our legal staff this morning, but they were working on both requests. I was able to find out that Troop I was working on a temporary phone recording system during that timeframe and we have to go through a different route to find any available recordings. That process is ongoing.

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>
Sent: Monday, October 25, 2021 4:13 PM
To: Nick Manale <Nick.Manale@la.gov>
Cc: Melissa Matey <Melissa.Matey@la.gov>; Chavez Cammon <Chavez.Cammon@la.gov>; Adrienne Aucoin <Adrienne.Aucoin@la.gov>
Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Capt. Manale:

Hope you are doing well. I wanted to take a moment to request an update on the timeframe for obtaining the recorded phone calls referenced below. That request was estimated to take sixty (60) days to fulfill. Since the request was made on August 8, 2021, sixty days hence was Thursday, October 7, 2021.

Regarding the follow-up request for the dash cam and/or body cam video(s), the 60 days is not yet up for it. As evidenced below, the request was submitted on September 3, 2021, so 60-days thereafter would be Tuesday, November 2, 2021 (next Tuesday).

It's fine with me if LSP would like to fulfill both requests simultaneously on or before next Tuesday, but since the timeframe on the recorded phone calls passed 17 days ago, I wanted to touch base with you to ensure that they both can be fulfilled on schedule.

Thanks so much, and I look forward to hearing back from you.

Robert Edwin Burns, founder and author
SOUND OFF LOUISIANA
(225) 235-4346
Robert@SoundOffLA.com

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>
Sent: Tuesday, September 7, 2021 2:48 PM
To: 'Nick Manale' <Nick.Manale@la.gov>

Cc: 'Melissa Matey' <Melissa.Matey@la.gov>; 'Chavez Cammon' <Chavez.Cammon@la.gov>; 'Adrienne Aucoin' <Adrienne.Aucoin@la.gov>

Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

Thanks so much for this follow-up, Capt. Manale, and thanks for the dedication of all of LSP on recovery efforts. I know it has meant nights with little sleep, but I also know many citizens deeply appreciate the dedication of LSP when a devastating event like Ida comes along.

Robert Edwin Burns, founder and author
SOUND OFF LOUISIANA
(225) 235-4346
Robert@SoundOffLA.com

From: Nick Manale <Nick.Manale@la.gov>

Sent: Tuesday, September 7, 2021 2:22 PM

To: Robert@SoundOffLA.com

Cc: Melissa Matey <Melissa.Matey@la.gov>; Chavez Cammon <Chavez.Cammon@la.gov>; Adrienne Aucoin <Adrienne.Aucoin@la.gov>

Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

Mr. Burns, we will continue to check our records, but many of our offices are still in storm response mode with focus on post-storm operations. As we transition back to our regular duties, we will work on getting these responses back to you.

I'm glad to hear you did well during the storm.

Thanks,
Nick

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>

Sent: Tuesday, September 7, 2021 1:45 PM

To: Adrienne Aucoin <Adrienne.Aucoin@la.gov>; Nick Manale <Nick.Manale@la.gov>

Cc: Melissa Matey <Melissa.Matey@la.gov>; Chavez Cammon <Chavez.Cammon@la.gov>

Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Thank you for this response, Ms. Aucoin, and yes, I fared pretty well after the storm. I lost power (and I'm a weakling 😊), so I went to Kinder (closest hotel I could find with a vacancy) and stayed there for two nights, after which fortunately my power was restored.

I'm a little disappointed that a fresh 60-day timeframe starts for the one item, but I know you all are swamped with the storm, so I understand.

As I'm sure you are aware, Trooper Lopez is scheduled to be the star witness for the Restraining Order (conversion to Injunction) hearing scheduled in 16th JDC a week from today at 1:00 p.m. If by some small chance you're not aware of it, here's the link for yesterday's *Sound Off Louisiana* feature:

<https://www.soundoffla.com/st-martin-parish-president-cedars-deals-with-broussards-33-acre-nuisance-property-by-obtaining-court-restraining-order-and-grilling-him-on-hay-operations/>

I expect Lopez will be grilled during any cross-examination at the hearing regarding the incident with the driver. I'll be there and report the happenings that transpire in court. While it would have been nice to have had the video to know beforehand (or the revelation that the body cam and/or dash cam was turned off or never activated), I'll just, as they say, play the cards I'm dealt and simply publish a follow-up feature once I obtain any dash cam and/or body cam video.

I've taken the liberty to copy. Lt. Col. Cammon on this email under the premise that he's still over LSP Patrol.

Thank you again for your response to my addition of the one item.

Robert Edwin Burns, founder and author
SOUND OFF LOUISIANA
(225) 235-4346
Robert@SoundOffLA.com

From: Adrienne Aucoin <Adrienne.Aucoin@la.gov>
Sent: Tuesday, September 7, 2021 9:02 AM
To: Robert@SoundOffLA.com; Nick Manale <Nick.Manale@la.gov>
Cc: Melissa Matey <Melissa.Matey@la.gov>
Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

Mr. Burns:

I hope you are doing well after the storm.

Your below referenced public records request has been forwarded to me for consideration and reply. Please be advised that we have begun the process of searching for documents responsive to your request.

Even though the search is ongoing, and documents of the agency are generally considered public records, the agency will avail itself of any statutory provision which either exempts or prohibits production of documents responsive to your request. These exemptions specifically include, but are not limited to, those contained in La. R.S. 44:3 and La. R.S. 44:4. The agency will also not release information which may be exempt from release due to an individual's right to privacy.

In accordance with La. R.S. 44:35(A), you are hereby notified that the estimated time reasonably necessary for collection, review, and any necessary redaction, of the documents which may be responsive to your request is sixty (60) days. This sixty (60) days will run separately from the records in your originally request.

Once the responsive documents are ready for your review, you will be notified in order to arrange a date and time to view the documents. Based on your geographic location, you may prefer to receive copies of the documents and as such, you will be notified of the cost associated with copying them.

If you have any questions, please don't hesitate to contact me.

Thanks, Adrienne

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>
Sent: Friday, September 3, 2021 10:56 AM
To: Nick Manale <Nick.Manale@la.gov>
Cc: Melissa Matey <Melissa.Matey@la.gov>; Adrienne Aucoin <Adrienne.Aucoin@la.gov>
Subject: RE: Follow-Up PRR Entailing LSP Trooper Scott Lopez

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Ms. Aucoin:

I know LSP is extremely busy with dealing with the aftermath of Hurricane Ida, and I hate to supplement my PRR stated below, but I feel I need to do so for one item that should be very easy for LSP to determine the existence of or lack thereof and respond accordingly.

Again, I apologize, but I want to add to the two items submitted below to include the following item (itemized as Item # 3):

3. Any dashcam or bodycam video of any encounter entailing LSP Trooper Scott Lopez and any motorist traveling on Duchamp Road during the timeframe of 2 p.m. to 5 p.m. on Monday, June 14, 2021.

I hope this will not delay the estimated 60-day period for me to receive the two records below. If that is the case (i.e. extend the fulfillment timeframe), please let me know and I'd rather receive the two records requested below and delay item # 3 rather than wait for the receipt of all three at the same time.

Thank you so much, and we all appreciate LSP's efforts in helping Louisiana citizens recover from the devastating Hurricane of earlier this week.

Robert Edwin Burns, founder and author
SOUND OFF LOUISIANA
(225) 235-4346
Robert@SoundOffLA.com

From: Robert@SoundOffLA.com <Robert@SoundOffLA.com>
Sent: Sunday, August 8, 2021 7:00 PM
To: 'Nick Manale' <Nick.Manale@la.gov>
Cc: 'Melissa Matey' <Melissa.Matey@la.gov>; 'Adrienne Aucoin' <Adrienne.Aucoin@la.gov>
Subject: Follow-Up PRR Entailing LSP Trooper Scott Lopez

Capt. Manale:

Thank you so much for providing Trooper Lopez's time sheets, which I obtained on Friday from LSP. I know my request was broad, and I appreciate LSP taking the time to fulfill the request. In light of the results of my request as outlined below and based upon my review of Trooper Lopez's time sheets, I now need to make a follow-up request which will not be anywhere near as broad and instead much more direct.

Accordingly, I now make public records requests for the following two items:

1. Any recorded phone calls (either incoming or outgoing) at Troop I Headquarters on the date of Monday, June 14, 2021 from the time period of 2 p.m. to 5 p.m.
2. A copy of LSP's policy entailing the use of body-worn cameras and dash cam videos whenever an LSP Trooper encounters a motorist while on duty with LSP.

Again, thank you so much for the material I obtained on Friday, and I look forward to receiving any responsive documents and/or recorded phone calls for the time period specified above which would be responsive to items 1 & 2 above.

Robert Edwin Burns, founder and author
SOUND OFF LOUISIANA
(225) 235-4346
Robert@SoundOffLA.com

From: Adrienne Aucoin <Adrienne.Aucoin@la.gov>
Sent: Wednesday, August 4, 2021 2:02 PM
To: Robert@SoundOffLA.com
Cc: Nick Manale <Nick.Manale@la.gov>; Melissa Matey <Melissa.Matey@la.gov>
Subject: Public Records Request for Surveillance, Body Cam, Texts, Etc. of Trooper Scott Lopez
Pertaining to any Duchamp Road Property in Broussard, Louisiana from March 1, 2021 to July 28, 2021

Mr. Burns:

You requested the following records from the Louisiana State Police for the timeframe of March 1, 2021 through the (then) present date of July 28, 2021 regarding the following items:

Any LSP surveillance videos or photos which Trooper Scott Lopez may have been responsible for entailing any property on Duchamp Road in Broussard, Louisiana located in St. Martin Parish

The Louisiana State Police does not maintain records responsive to this request.

Any texts, emails, or other forms of communication which Trooper Lopez may have received or sent entailing any property located on Duchamp Road in Broussard

The Louisiana State Police does not maintain records responsive to this request.

Itemization of phone calls Trooper Lopez made or received using an LSP-issued phone

The Louisiana State Police does not maintain records responsive to this request.

Trooper Lopez's timesheets

The Louisiana State Police maintains twenty-three (23) pages of documents responsive to this request. These documents are available to you at a cost of \$0.25 per page, totaling \$5.75. To obtain these records, please send your check or money order, made payable to the Louisiana State Police, to my attention at the Office of Legal Affairs, 7979 Independence Boulevard, Suite 307, Baton Rouge, Louisiana 70806. When your payment

is received, the records will be forwarded to you. If you wish to view these records, please let me know what date(s)/time(s) you are available so that we can proceed with scheduling your viewing.

Thanks, Adrienne

Adrienne E. Aucoin
Attorney Supervisor
DPS/Office of Legal Affairs
P.O. Box 66614
Baton Rouge, LA 70896
Direct: 225.925.6177
Office Cell: 225.252.9444
Facsimile: 225.925.4624

CONFIDENTIALITY NOTICE

This email communication may contain confidential information which also may be legally privileged and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

COMPUTER SYSTEM USE/CONSENT NOTICE

This message was sent from a computer system which is the property of the State of Louisiana and the Department of Public Safety and Corrections/Office of Legal Affairs (DPS/OLA). It is for authorized business use only. Users (authorized or unauthorized) have no explicit or implicit expectation of privacy. Any or all uses of this system and all files on this system may be intercepted, monitored, recorded, copied, audited, inspected, and disclosed to DPS/OLA and law enforcement personnel. By using this system the user consents to such interception, monitoring, recording, copying, auditing, inspection, and disclosure at the discretion of DPS/OLA.



JOHN BEL EDWARDS
GOVERNOR

Lamar A. Davis, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

May 25, 2022

Billy Broussard
1307 South Main
Breaux Bridge, Louisiana 70517

Dear Mr. Broussard,

A thorough investigation (N21-078) was conducted as a result of your complaint regarding the incident which occurred on June 14, 2021.

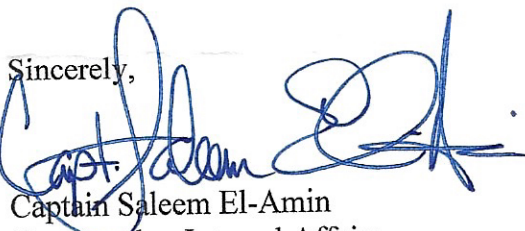
It was determined that your allegation of *Courtesy* against TFC Lopez is **Not Sustained**. This disposition is defined as: there is insufficient evidence to prove or disprove the allegation.

It was determined that your allegation of *Conduct Unbecoming an Officer* against TFC Lopez is **Unfounded**. This disposition is defined as: the allegation is false, not factual.

It was determined that your allegation of *Badge of Office* against TFC Lopez is **Unfounded**. This disposition is defined as: the allegation is false, not factual.

It was determined that your allegation of *Body Worn Camera* against TFC Lopez is **Sustained**. This disposition is defined as: the allegation is supported by sufficient evidence.

Sincerely,


Captain Saleem El-Amin
Commander, Internal Affairs
Louisiana State Police



The Dump!

Neighborhood meeting to discuss the issues of re-zoning the old Saw Mill on Duchamp Road (next to Blake's Auto Sales) into a dump for Billy Broussard's Tree Service.

DATE: December 16th @ 6:00pm

Place: 1055 Vieux Jacquet Road (Elmo & Sue's - green house in the curve)

What can you do?

- Call Planning & Zoning department and voice your opinion to them (FOR or AGAINST) 337-394-9816
- Attend the Planning & Zoning meeting on January 6th @ 6:00pm (303 West Port Street, St. Martinville)

Stay informed with happenings in the neighborhood: we have a Facebook page (Vieux Jacquet Neighborhood)
<https://www.facebook.com/groups/1264656573905850>

Have questions and want to know who to contact: ATTEND THE MEETING ON DEC 16th

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

COMPLAINANT

PERSONNEL COMPLAINT AFFIDAVIT PAGE

- Fill in all blanks at the top of the page (Date & Time when affidavit is completed, and all complainant information).
- "Parish of" is the parish where the affidavit is completed.
- The blank after "Before me, the undersigned authority" remains blank and will be completed by the Trooper or Notary.
- The blank after "Personally came and appeared" is the complainant's name.
- The blank after "Do hereby file an official complaint against" is the Trooper or DPS Officer's name, if known.
- Initial the bottom right corner of each page

ALL CONTINUATION PAGES

- Fill in all blanks in the complainant information portion at the top of the page (Name, Date of Birth, Age, DL#, State).

LAST PAGE

- Fill in all known information into the witness information blanks at the top of the page.
- The blank after "Thus done, read and signed at" should be the city where the Affidavit is completed.
- The blank after "State of Louisiana, this" should be the numerical day of the month, the blank after "day of" should be the month, and the blank after this should be the numerical year. All information in this section should be when the Affidavit is completed, **NOT** when the incident took place.
- The "AFFIANT" blank is for the complainant's signature and **must be signed in the presence of the EX-OFFICIO / NOTARY PUBLIC.**
- The "EX-OFFICIO/NOTARY PUBLIC" should be left blank as well as all information below this. It will be completed by the person taking the complaint or the Notary.

TROOPER OR NOTARY

PERSONNEL COMPLAINT AFFIDAVIT PAGE

- **Trooper Only:** Complete all information in the "Internal Use Only" box that is known. If one of the blanks is unknown, leave it blank. After complete, submit to the Troop or Section Commander.
- Your name should go into the blank after "the undersigned authority".

LAST PAGE

- Your name goes in the blank above "EX-OFFICIO / NOTARY PUBLIC" and circle the appropriate title.
- Print your name in the corresponding blank.
- Put your EX-OFFICIO or NOTARY NUMBER in the corresponding blank.
- **Trooper Only:** Your commission expires "effective until rescinded."
- **Notary Only:** Your commission expires on the date listed on your card.

BB

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT

DATE: 1-24-22
TIME: 2:28 PM

Internal Use Only

Date Written Affidavit Received: _____
IA or Non IA Case Number _____
Assigned to: _____ Date Assigned: _____

(COMPLAINANT INFORMATION)

NAME: Billy Broussard

DATE OF BIRTH: September 1, 1978 AGE: 43 D.L #: 006654086 STATE: Louisiana

PHYSICAL ADDRESS: 1307 South Main

CITY: Breaux Bridge STATE: LA ZIP CODE: 70517

TELEPHONE (RESIDENCE): _____ CELL PHONE: (337) 316-6193

STATE OF LOUISIANA

AFFIDAVIT

PARISH OF St. Martin

Before me, the undersigned authority Jolene Hadlow personally came and appeared: Billy Broussard,
who after being duly sworn, deposed as follows:

I, the undersigned, do hereby file an official complaint against Trooper Scott Lopez.

My complaint is as follows:

On the evening of Thursday, January 6, 2022, Trooper Lopez attended the meeting of the St. Martin Parish Planning and Zoning Committee and addressed the Committee for approximately fifteen (15) minutes. Essentially, trooper Lopez literally took over the meeting and started asking members of the audience to come forward and make statements about me personally.

Trooper Lopez repeatedly accused me of engaging in "illegal" acts with no foundation whatsoever for making those claims. Near the end of his remarks, he even resorted to profanity which he used to reference me personally and acts in which he believes I have engaged in to be deceptive.

Trooper Lopez did little to hide his extreme animosity toward me and my family. He acknowledged the fact that my father is his neighbor, and while he qualified it as, "a matter to be discussed at a later date," he point-blank expressed his desire for my father's operation of a farm comprised of cows be shut down.

Trooper Lopez assembled a mob of close to 50 people to attend this meeting and generate negative sentiments against me and an item I had before the Committee with him having spread false information about me prior to the meeting just as his commentary about me engaging in "illegal" acts was false and blatantly defamatory.

BB

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT

CONTINUATION PAGE

COMPLAINANT INFORMATION

NAME: Billy Broussard

DATE OF BIRTH: September 1, 1978

AGE: 43

D.L. #: 006654086

STATE: Louisiana

Continuation Page:

Although Trooper Lopez has a demonstrated past history of conveniently turning off his body camera when he encounters a known associate of mine, just as he did on June 14, 2021 and which is the subject of a separate complaint I have filed against Trooper Lopez, all of his commentary about me on January 6, 2022 is captured on video and readily available for you to view at the following link:

www.SoundOffLA.com/Lopez

I submit that Trooper Lopez has violated LSP's Code of Professional Conduct in engaging in the conduct that he did on Thursday, January 6, 2022. I specifically reference the following section in making that claim:

4. CONDUCT UNBECOMING AN OFFICER

i) A commissioned officer shall conduct himself at all times, both on and off-duty, in such a manner as to reflect most favorably on himself and the Department.

e) May reasonably be expected to destroy public respect for State Police Officers and/or confidence in the Office of State Police.

I submit that by falsely making emphatic statements that I have engaged in "illegal" acts in a very public meeting (particularly when his accusations are 100-percent unfounded), Trooper Lopez has in fact engaged in conduct that "may reasonably be expected to destroy public respect for State Police Officers and/or confidence in the Office of State Police."

I want to conclude this complaint by stating that, on July 8, 2021, the Louisiana State Police Commission considered the appeal of Trooper William R. Woodward III after he was suspended for 24 hours for sending out a tweet of, "what county in Africa are you from?" Col. Lamar Davis testified at that meeting, upon being questioned by Trooper Woodward as to whether Davis knew if Woodward was "on or off duty," and Col. Davis responded that, "according to policy it does not matter." Col. Davis clearly felt that tweet constituted conduct unbecoming of a Louisiana State Police Trooper, and I submit that Trooper Lopez's actions of January 6, 2022 are even more egregious than those of Trooper Woodward because his actions were at a public meeting at which EVERYONE in the room knew who he is and the position he holds and further because his commentary was directed at a private citizen (me).

BB

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

PERSONNEL COMPLAINT AFFIDAVIT
CONTINUATION PAGE

COMPLAINANT INFORMATION

NAME: Billy Broussard

DATE OF BIRTH: September 1, 1978 AGE: 43 D.L #: 006654086 STATE: Louisiana

Continuation Page:

A 24-second audio clip of LSP Col. Lamar Davis making it abundantly clear that "it does not matter"
whether a Trooper is on duty or off duty is readily available for you to listen to at the same website
link which I supplied above and which is repeated at this time:

www.SoundOffLA.com/Lopez

I could supply many witnesses to Trooper Lopez's actions, but only one witness is relevant, and that
is the video camera which recorded his actions. Therefore, I list no human witnesses with this complaint.

BB

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
OFFICE OF STATE POLICE

Witness information:

Name: _____

Address: _____

Telephone Number(s): _____

Name: _____

Address: _____

Telephone Number(s): _____

Name: _____

Address: _____

Telephone Number(s): _____

Name: _____

Address: _____

Telephone Number(s): _____

I hereby swear or affirm that all of the information I have provided in this Affidavit is true and correct. I fully understand that by signing this affidavit, I will be required to appear at and testify if necessary, at any administrative hearing to which I am subpoenaed. I agree to return to testify when notified, and I realize that failing to do so may result in this complaint being terminated.

I agree to furnish, at my own expense, any medical records or documents and witness names which the State Police Internal Affairs investigation may request of me in regard to this complaint. I understand in order for there to be a thorough investigation my cooperation is required; and further that if I fail to cooperate or provide the records or witness names within ten working days that the investigation may be terminated.

I fully understand that any false statement I make to the State Police Internal Affairs investigators or designee, in regard to this complaint may be a violation of LRS 14:133.5, Filing a False Complaint Against a Law Enforcement Officer. The crime of filing a false complaint against a law enforcement officer is punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment in the Parish jail for up to six (6) months or both.

I have been advised that Louisiana State Police has a policy prohibiting retaliation for filing a complaint against an officer. In the event I believe I have been retaliated against for filing this complaint, I understand that I may report such information to Internal Affairs for investigation.

I certify that I have read this form and understand it in full, and that all of the information that I have given or will give to the State Police Internal Affairs investigators or designee is true and correct to the best of my knowledge.

Thus done, read and signed at _____, State of Louisiana, this 24th day of January, 2022.


AFFIANT


EX-OFFICIO / NOTARY PUBLIC
(circle one)

Jolene Hadlow
PRINT NAME

EX-OFFICIO or NOTARY NUMBER 160740

MY COMMISSION EXPIRES upon death

Complainant's Initials BSB



JOHN BEL EDWARDS
GOVERNOR

Lamar A. Davis, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

May 25, 2022

Billy Broussard
1307 South Main
Breaux Bridge, Louisiana 70517

Dear Mr. Broussard,

A thorough investigation (IA 22-00011) was conducted as a result of your complaint regarding the incident which occurred on January 6, 2022.

It was determined that your allegation of *Conduct Unbecoming an Officer* against TFC Lopez is **Sustained**. This disposition is defined as: the allegation is supported by sufficient evidence.

Sincerely,

A handwritten signature in blue ink, appearing to read "Capt. Saleem El-Amin".

Captain Saleem El-Amin
Commander, Internal Affairs
Louisiana State Police