

PARISH OF EAST BATON ROUGE

BELINDA PARKER BROWN, CHARLIE * NUMBER: 745576
 SQUARE, RITA M. MCDONALD, TIM *
 HOLMES, CHIEF LINDA TAHANE, * DIVISION: "26"
 HVISHI OPA LUKSI, KATRINA BROWN *

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

and should not be considered by the Court. La. C.C.P. art. 966 (A)(4)(a) is clear that the only documents that may be filed or referenced in support of a motion for summary judgment are “pleadings, memoranda, affidavits, depositions, answers to interrogatories, certified medical records, certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes and assignments thereof, written stipulations and admissions.”

Plaintiffs’ exhibit P-1, a letter addressed to Collin Sims, and exhibit P-2, a copy of a photograph of a billboard, are both documents that were submitted without an affidavit or declaration by a custodian or witness with knowledge to authenticate them and fall outside the exclusive list recognized by La. C.C.P. art. 966. These are unauthenticated and unsworn attachments not proper for summary judgment purposes and should be stricken. Striking these exhibits, or at a minimum, disregarding for purposes of ruling, is necessary to ensure the Court decides the motion on competent evidence only. Whether or not these documents were attached to a “pleading” does not render them admissible under La. C.C.P. art. 966. In *Latiolais v. Terrebonne Par. Consol. Gov’t*, 2024-0342 (La. App. 1 Cir. 11/20/24), 405 So.3d 1054, the First Circuit affirmed exclusion of unverified and unsworn documents. The Court stated, “A document that is not within the exclusive list set forth in La. C.C.P. art. 966(A)(4)(a) does not become proper summary judgment evidence by being referenced in an interrogatory response or by being produced in discovery. Instead, such documents are allowed to be filed if they are properly authenticated by an affidavit or deposition to which they are attached.” In *Found Materials, Inc. v. Carrollton Mid-City Invs., L.L.C.*, 2009-0414 (La. App. 4 Cir. 8/26/09), 17 So.3d 513, the plaintiff attached certain documents to its petition on which it stated its contractual claim was based. The Court noted that the plaintiff was required to introduce the contract documents; however, “[t]he unsworn, unauthenticated documents attached to the petition were not properly before the trial court for consideration in deciding the motion for summary judgment.”

For the foregoing reasons, Plaintiffs’ exhibits P-1 and P-2 attached to the Petition for Damages should be stricken as these documents are not competent evidence for the purposes of supporting Plaintiffs’ Motion for Summary Judgment.

Although pleadings are explicitly included in the exclusive list of documents that may be used in support of a Motion for Summary Judgment, Defendants object to the use of Plaintiffs’ Petition for Damages to support the alleged undisputed facts listed in the instant motion for

summary judgment. The petition's unsworn factual allegations standing alone carry limited probative value and cannot substitute for competent evidence of specific facts. The initial burden of proof is on the party filing the motion for summary judgment.² The mover's supporting documentary evidence must prove the essential facts necessary to carry its burden. See *Crockerham v. Louisiana Medical Mutual Insurance Company*, 2017-1590 (La. App. 1st Cir. 6/21/18), 255 So.3d 604, 608.

In addition to the issue of the sufficiency and weight of the allegations of the petition as being insufficient to establish the undisputed facts of the case, Plaintiffs also failed to comply with the summary judgment requirement contained in La. C.C.P. art. 966 (b). This statute provides that any of the documents allowed to be filed under subpart (4)(a) previously filed into the record of the cause "may be specifically referenced and considered in support of or in opposition to a motion for summary judgment by listing with the motion or opposition the document by title and date of filing," and "[t]he party shall concurrently with the filing of the motion or opposition furnish to the court and the opposing party a copy of the entire document with the pertinent part designated and the filing information." Plaintiffs have failed to comply with the requirements of La. C.C.P. art. 966 (b) in that the Petition for Damages was not furnished to the court and opposing party with the pertinent part designated and the filing information.

II. OBJECTIONS TO PLAINTIFFS' UNDISPUTED FACTS

Notwithstanding the objections to the Plaintiffs' "evidence" as an initial matter, Defendants' also object to each and every undisputed fact included in Section II of Plaintiff's Memorandum in Support of Motion for Summary Judgment on the grounds that Plaintiffs have cited no admissible supporting evidence in support of their "undisputed facts," and the list of "undisputed facts" is simply an attempt to rehash allegations from Plaintiffs' Petition for Damages with reliance only on Plaintiffs' self-serving testimony. Thus, even if admissible (which is denied), Plaintiffs' "evidence" and resulting undisputed facts are unsupported, based solely only on sources of their own creation, and are objected to by Defendants.

² La. C.C.P. art. 966 (D)(1)

III. DEFENDANTS LIST OF MATERIAL FACTS THAT ARE GENUINELY DISPUTED

1. There is no evidence, nor can there be, because it does not exist, that a quorum of the individual Defendants met to decide or vote on whether to send a letter to Collin Sims dated January 20, 2024.
2. The Defendants did not send or circulate a letter addressed to Collin Sims and dated January 20, 2024, to one another for signature. (See Exhibit A, Affidavit of Jason Hannaman).
3. The individual Defendants did not send a letter to Collin Sims dated January 2024. (See Exhibit A, Affidavit of Jason Hannaman).
4. The Attorney General's Office reviewed the Plaintiffs' Petition for Damages and determined that there was no "meeting" of the defendants and there was insufficient cause for the Attorney General's Office to institute enforcement proceedings under the Open Meetings Law. (See Exhibit A, Affidavit of Jason Hannaman, attachment #1).
5. Collin Sims was not and is not currently a member of the classified state police service. (See Exhibit A, Affidavit of Jason Hannaman).
6. There is no evidence, nor can there be, because it does not exist, that the individual Defendants engaged in "secret balloting" or "proxy voting" in relation to sending a letter to Collin Sims dated January 20, 2024.
7. There is no evidence, nor can there be, because it does not exist, that the individual defendants knowingly and willfully participated in a meeting conducted in violation of the Open Meetings Law.
8. There is no evidence, nor can there be, because it does not exist, that Defendants engaged in public business through a meeting that was not appropriately before the public.

IV. MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

In the Petition for Damages, Plaintiffs allege that Defendants violated the open meetings law, La. R.S. 42:11, *et seq.*, by not holding a public meeting and allegedly engaging in "proxy voting and secret balloting" in connection with a letter that Plaintiffs allege was sent to Collin Sims, a candidate for District Attorney in St. Tammany Parish at the time, containing the electronic signatures of the named, individual defendants. Plaintiffs seek civil penalties from the individually named Defendants, attorney fees and costs.

Louisiana's "Open Meetings Law" ("OML") requires that "[e]very meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, 17, or 18," and [e]ach public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this Chapter."³ To obtain civil penalties against each named individual defendant, Plaintiff must allege and prove that each of the named individuals *knowingly and willfully participated in a meeting* conducted in violation of the Open Meetings Law.⁴ Further, to obtain a judgment awarding attorney fees and costs of litigation, Plaintiffs must allege and prove that Defendants engaged in public business *through a meeting* that was not appropriately before the public.⁵ A "meeting" is defined, in pertinent part, as "the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power."⁶ Plaintiffs are unable to prove that the LSPC and individual defendants violated the Open Meetings Law.

A. Plaintiffs have not and cannot show that a public meeting was required to send a letter to Collin Sims.

Plaintiffs' lawsuit alleges that a letter, addressed and sent to Collin Sims, a person who was not a member of the classified state police service, that contains the electronic signatures of the named individual defendants, is proof that the LSPC and certain named, former and/or current members of the Commission ("Commissioners") violated the OML; however, Plaintiffs cannot meet the threshold requirement under the OML, that a public meeting was required in order to send such a letter.

The OML requires that every "meeting" of any public body shall be open to the public with certain exceptions and that each public body is prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of the OML.⁷ The word "meeting" is defined, for purposes of the chapter concerning the OML, as follows:

"Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.⁸

³ La. R.S. 42:14

⁴ La. R.S. 42:28

⁵ La. R.S. 42:14 A, La. R.S. 42:28.

⁶ La. R.S. 42:13(2)

⁷ La. R.S. 42:14

⁸ La. R.S. 42:13 A (2)

The definition of the word “meeting” does not stop with simply the “convening of a quorum;” rather, the definition adds a jurisdictional requirement. The statutory language in La. R.S. 42:13 A (2) requires that the public body have “supervision, control, jurisdiction, or advisory power” over the “matter” being deliberated or acted upon. The LSPC did not and does not have “supervision, control, jurisdiction, or advisory power” over Collin Sims or his actions, because he was a candidate for District Attorney in St. Tammany Parish, not a state trooper. Plaintiff alleges that the letter addressed to Mr. Sims asked him to stop using a photograph of state troopers on his campaign billboards, because the photograph on the billboards suggested that the troopers had endorsed his candidacy. Although members of the classified state police service (“state troopers”) are prohibited from engaging in political activity under the Louisiana Constitution and the LSPC rules,⁹ a “civilian” like Mr. Sims is not governed by those provisions, and the LSPC had no authority to prevent Mr. Sims from using a photograph of state troopers in his campaign. The letter to Mr. Sims, as alleged by Plaintiffs, requested action from someone (Mr. Sims) concerning a matter (Mr. Sims use of a photograph of state troopers in his campaign) that was entirely outside the Commission’s authority.

The Louisiana State Police Commission is a constitutional body with authority like the State Civil Service Commission, except that its authority and jurisdiction is limited to the classified state police service only.¹⁰ Pursuant to the provisions of the Louisiana Constitution, the LSPC conducts monthly, public meetings in which it addresses matters of discipline of state troopers and issues concerning their pay, certifications and qualifications among other personnel matters.¹¹ The LSPC has jurisdiction and authority to discipline only state troopers who violate LSPC rules.

Plaintiffs alleged that a letter to district attorney candidate, Collin Sims, in reference to a billboard campaign ad on behalf of the Sims campaign, accused Mr. Sims of using a photograph on the billboard of law enforcement officers “in a false light to depict those (Louisiana State Police) troopers as standing in support of your campaign.” See Plaintiffs’ Petition for Damages, ¶¶4-5. Importantly, the LSPC had no power or authority to require Mr. Sims to do or not do anything with regard to his campaign or his billboards. Once the Commission moved beyond internal

⁹ La. Const. Art. 10, §47 and LSPC Rule 14.2

¹⁰ The LSPC was established in La. Const. Art. 10, §43, and was “vested with broad and general rulemaking and subpoena powers for the administration and regulation of the classified state police service, including the power to adopt rules for regulating employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions;...and generally to accomplish the objectives and purposes of the merit system of state police service as herein established.” La. Const. Art. 10, §48(A)(1).

¹¹ La. Const. Art. 10, §48 A.

enforcement of trooper conduct rules to external communications with third parties concerning the actions of third parties, the Commission exceeded the scope of matters over which it had the requisite supervisory authority for which a "public meeting" might be required under the OML. This jurisdictional challenge provides a complete defense to any OML violation claim regardless of whether the Court should find violations of the law's procedural requirements, and the Court's inquiry should end here with a dismissal of Plaintiffs' Motion for Summary Judgment.

B. Plaintiffs did not and cannot prove that a quorum of the LSPC met to vote on whether to send a letter to Collin Sims without holding a public meeting.

Plaintiffs set forth no evidence that the individual defendants met, with a quorum, to vote on whether to send a letter to Collin Sims without prior notification of a public meeting and without having a public meeting. To obtain civil penalties against each named individual defendant, Plaintiffs must allege and prove that each of the named individuals *knowingly and willfully participated in a meeting* conducted in violation of the Open Meetings Law.¹² Further, to obtain a judgment awarding attorney fees and costs of litigation, Plaintiffs must allege and prove that Defendants engaged in public business *through a meeting* that was not appropriately before the public.¹³ The definition of the word "meeting" in La. R.S. 42:13 A (2) requires the convening of a quorum of a public body. A quorum is further defined as "a simple majority of the total membership of a public body."¹⁴ La. R.S. 42:13 B provides that the OML does not apply "to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members."

Plaintiffs have introduced no evidence, nor can they, that a quorum of the members of the Commission met and voted to send a letter to Collin Sims. In his affidavit, attached as Exhibit A, Jason Hannaman, the Executive Director of the LSPC, testified that he sent a letter addressed to Collin Sims through a software application to each of the members of the Commission, separately, for them to add their electronic signature if they wished to sign the letter. The letter was not sent from one Commissioner to another for discussion, vote, or signatures, rather each individual person received a copy of the letter from Jason Hannaman through a software application to which he could choose to affix his signature if he wanted to do so. The facts and evidence before the

¹² La. R.S. 42:28

¹³ La. R.S. 42:14 A, La. R.S. 42:28.

¹⁴ La. R.S. 42:13 A (4)

Court do not support that there was a quorum of the individual defendants who held a meeting. The Attorney General's office responded to Plaintiffs' complaint with the same conclusion, that there was no "meeting" within the meaning of the OML.

The OML provides for the enforcement of its provisions by the attorney general, the district attorney or any person who has been denied any right conferred by the provisions of the OML.¹⁵ In La. R.S. 42:25 A, the statute provides, "The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed." In a letter dated May 6, 2024, addressed to the Plaintiffs in this proceeding and carbon copied to the LSPC, Assistant Attorney General Madeline S. Carbonette wrote, "Our office is in receipt of your Petition for Damages alleging violations of the Open Meetings Law by the Louisiana State Police Commission, Eulis Simien, Jr., Monty Montelongo, Oliver Jenkins, Bernell Nevil, Mark M. "Aubrey" Cole, Tony P. Pierite and Jared Caruso-Riecke on January 20, 2024 by signing a letter addressed to M. Collin Sims." The Assistant Attorney General concluded that after their review of the Petition for Damages and allegations that the Commission and its members engaged in secretive proxy voting in violation of La. R.S. 42:14 (B) by circulating the January 20, 2024, letter addressed to Mr. Sims, "the facts alleged do not fit the definition of meeting and there is insufficient cause for the Attorney General's Office to institute enforcement proceedings under the Open Meetings Law."¹⁶

Even if there were causal conversations among members of the LSPC about sending a letter to Collin Sims, this would not suffice to be considered a violation of the OML. In *Mabry v. Union Par. Sch. Bd.*, 42,856 (La. App. 2 Cir. 1/16/08), 974 So.2d 787, the plaintiff alleged violations of the OML when the school board voted not to renew her contract. The Appellate Court found that there was evidence of casual telephone encounters where several board members individually and separately discussed the situation regarding Mabry's employment contract. Notably, there is no evidence in the instant case of telephone encounters among Commissioners regarding sending a letter to Collin Sims. The Court stated, "Generally, in our view, informal discussion between public officials would have to reach a much more structured level with secretive binding force on at least a quorum of the membership before the Open Meetings Law would be implicated, there

¹⁵ La. R.S. 42:25

¹⁶ The Letter dated May 6, 2024 from Assistant Attorney General Carbonette is attached to Exhibit A, the affidavit of Jason Hannaman.

was no evidence of such in this case.” 974 So.2d 787, 789-790. The Court further noted there was no “walking quorum” scenario as suggested by the plaintiff citing Op. Atty. Gen. No. 90-349, July 26, 1990, where a “walking quorum” was described as occurring when “members of the governmental body gather in numbers that do not physically constitute a quorum at any one time but who, through successive gatherings, secretly discuss a public matter with a quorum of the body with the intent to circumvent the Open Meetings Law.” Plaintiffs failed to produce any evidence of a “walking quorum” either.

Plaintiffs motion for summary judgment should be denied on the grounds that Plaintiffs cannot prove that a quorum of the individual Defendants, or even a walking quorum, met and voted to send a letter to Collin Sims.

C. Plaintiffs falsely and without legal support equate electronic signatures on a letter to Collin Sims with “secret balloting” and “proxy voting.”

Plaintiffs, through conclusory allegations and without legal support, equate electronic signatures on a letter to Collin Sims with “secret balloting” or “proxy voting,” as described in La. R.S. 42:14 B, without a public meeting. In addition to Defendants’ argument, *supra*, that the letter to Collin Sims is not properly before the Court and should be stricken, Defendants submit that neither La. R.S. 42:14 nor any other provision of the Open Meetings Law offers a statutory definition of “secret balloting” or “proxy voting” suggesting that the legislature treated these words’ ordinary meanings as self-evident: a secret ballot conceals how individual members voted and preserves the anonymity of the voter, for example, each Commissioner writes on a paper ballot his vote for or against an agenda item without affixing his name to the ballot, while a proxy vote allows one member to cast a vote on behalf of another absent member. There is no legal support for the proposition that an electronic signature on a letter is proof of secret balloting or voting without a public meeting. A signature on a letter is not proof that there was a vote of a quorum to send a letter. The signature merely serves to advise the person to whom the letter is addressed the name of the writer of the letter. More importantly, a vote of a quorum in a public meeting is not required precedent for members of the LSPC to send a letter to Collin Sims, a person outside the authority, jurisdiction, supervision or power of the LSPC asking him to take action on a matter that is also outside the authority, jurisdiction, supervision or power of the LSPC.

V. CONCLUSION

Plaintiffs have produced no evidence that proves a violation of the OML by Defendants nor have Plaintiffs met their burden of proving a violation of the OML. Plaintiffs' exhibits P-1 and P-2 should be stricken and these documents are not competent evidence and should not be considered by the Court. Plaintiffs have not and cannot prove that a public meeting was required to send a letter to Collin Sims. Plaintiffs have not and cannot prove that a quorum of the LSPC met to vote on whether to send a letter to Collin Sims without holding a public meeting, and Plaintiffs have falsely and without legal support equated electronic signatures on a letter with "secret balloting" and "proxy voting." Plaintiffs failed to prove with competent evidence that Defendants violated the OML, and as such, Plaintiffs' Motion for Summary Judgment should be dismissed with prejudice and at Plaintiffs' cost.

Respectfully submitted,

TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.

By


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Baton Rouge, LA 70821-2471

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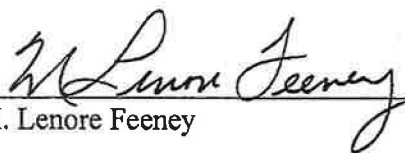
Attorneys for Louisiana State Police Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been sent via electronic mail, fax and/or United States mail, postage prepaid to the following:

Belinda Parker-Brown 1622 11th Street Slidell, LA 70458 Via: belindabrownl1d@yahoo.com	Charlie Square 4480 Pontchartrain Drive, Apt. 105 Slidell, LA 70458 Via: Posquale9852@yahoo.com
Rita M. McDonald 128 Penwood Loop Covington, Louisiana 70433 Via: rvmcdonald@icloud.com	Tim Holmes 645 Kostmayer Avenue, Apt. 102 Slidell, Louisiana 70458 Via: mistertim6656@icloud.com
Hvishi Opa Luksi 1527 Gause Blvd #298 Slidell, Louisiana 70458 Via: chieftesshvishi@gmail.com	Chief Linda Tahane 60179 Mirmar Street Lacombe, Louisiana 70445 Via: Lau8814854@aol.com
Katrina Brown 1622 11 th Street Slidell, Louisiana 70458 Via: nbrown111035@gmail.com	

Baton Rouge, Louisiana, this 28th day of August, 2026.


M. Lenore Feeney

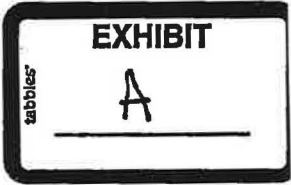
19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

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

VERSUS

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

* NUMBER: 745576
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* DIVISION: "26"
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AFFIDAVIT

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, authorized and duly commissioned and qualified with the Parish and State aforesaid, personally came and appeared:

JASON P. HANNAMAN

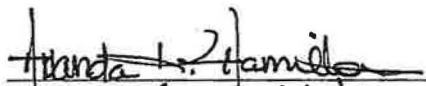
who, after being first duly sworn, did depose and state that:

1. I am a competent person over the age of majority, and I have personal knowledge of the facts and information contained in this affidavit.
2. I am employed as the Executive Director of the Louisiana State Police Commission (LSPC), and have served in that capacity since March, 2017.
3. In my capacity as Executive Director of the LSPC, I maintain custody and control of the records related to the LSPC as well as records concerning the names and ranks of the members who serve and have served in the state police service.
4. On May 9, 2024, my office received a letter dated May 6, 2024, from Assistant Attorney General, Madeline S. Carbonette that was addressed to the Plaintiffs in this litigation and to which the LSPC was carbon copied. A copy of the letter is attached hereto as attachment #1.
5. The letter from Ms. Carbonette advised that the facts alleged in Plaintiffs' Petition for Damages did not fit the definition of "meeting;" therefore, there was insufficient cause for the Attorney

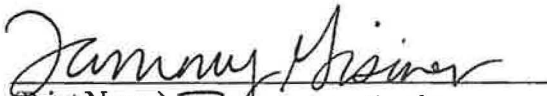
General's office to institute enforcement proceedings under the Open Meetings Law.

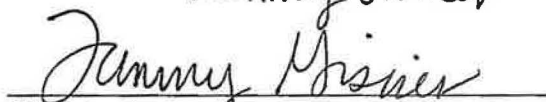
6. I have reviewed the list of names of those who have served and those who currently serve in the classified state police service, and I can attest that Collin Sims was not and is not currently a member of the classified state police service.
7. Of the named individual defendants in this litigation, Eulis Simien, Jr., Oliver Jenkins, Bernell Nevil, Jr., Tony Pierite, and Jared Caruso-Riecke are no longer members of the Louisiana State Police Commissions.
8. On January 20, 2024, I sent a letter addressed to Collin Sims to each of the individually named defendants, separately, through a software application, in which each person was separately asked to affix his signature to the letter if he wished to do so, and I mailed the letter to Collin Sims.
9. There were no meetings of a quorum of the individual defendants to prepare and sign a letter to Collin Sims dated January 20, 2024.

WITNESSES:


(Signature) Amanda K. HAMILTON


Jason P. Hannaman
Executive Director
Louisiana State Police Commission

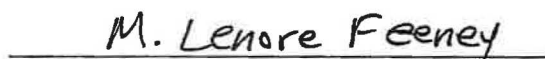

(Print Name) Tammy Gsiner


(Signature) Tammy Gsiner


(Print Name) Tammy Gsiner

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 28 day of August, 2026.


NOTARY PUBLIC


M. Lenore Feeney, Notary #18597



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

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MAY 09 2024

May 6, 2024

State Police Commission

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Slidell, LA 70458

Charlie Square
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Slidell, La 70458

Rita M. McDonald
128 Penwood Loop
Covington, LA 70433

Tim Holmes
645 Kostmayer Ave.
Slidell, LA 70458

Hvishi Opa Luksi
1527 Gause Blvd. #298
Slidell, LA 70458

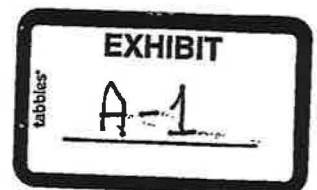
Chief Linda Tahane
60179 Mirmar St.
Lacombe, LA 70445

Katrina Brown
1622 11th Street
Slidell, LA 70458,

RE: Open Meetings Complaint 2024-13

Dear Madames and Sirs:

Our office is in receipt of your Petition for Damages alleging violations of the Open Meetings Law by the Louisiana State Police Commission, Eulis Simien, Jr., Monty Montelongo, Oliver Jenkins, Bernell Nevil, Mark M. "Aubrey" Cole, Tony P. Pierite and Jared Caruso-Riecke on January 20, 2024 by signing a letter addressed to M. Collin Sims. We have completed our review of the allegation and reached our final conclusions with respect to the violations of the Open Meetings Law raised in your Petition.



You allege that the Commission and its members engaged in secretive proxy voting in violation of La. R.S. 42:14(B) by circulating the January 20, 2024 letter addressed to Mr. Sims.

La. R.S. 42:14(A) states that every meeting of a public body shall be open to the public. La. R.S. 42:13(2) defines a meeting as the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power or to receive information regarding a matter over which the public body has supervision, control, jurisdiction or advisory power.

Our office's enforcement power pertaining to allegations of the Open Meetings Law is limited to La. R.S. 42:11, *et seq.* Accordingly, our power to take legal action in regards to any open meetings violation may be exercised only when we are satisfied from the information received that a consequential violation has occurred and the public body fails to submit information to the contrary and/or fails to take adequate steps to ensure the violations do not occur moving forward.

We have reviewed your Petition for Damages and have concluded that the facts alleged do not fit the definition of meeting and there is insufficient cause for the Attorney General's Office to institute enforcement proceedings under the Open Meetings Law.

Additionally, service on the Louisiana State Police Commission through Liz Murrill, Attorney General for the State of Louisiana is insufficient service on the Commission.

This letter serves as notice that this office does not intend to take any further action at this time in this matter for the reasons stated above. If you have any further questions or concerns, please do not hesitate to contact me at carbonettem@ag.louisiana.gov or (225)326-6000.

RECEIVED

MAY 09 2024

State Police Commission

With Best Regards,

LIZ MURRILL
ATTORNEY GENERAL

By: Madeline S. Carbonette
Madeline S. Carbonette
Assistant Attorney General

CC: Louisiana State Police Commission ✓

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
LIZ MURRILL
ATTORNEY GENERAL
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MAY 09 2024

State Police Commission

Louisiana State Police Commission
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