



CITY OF NEW ORLEANS

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DIRECTOR OF PERSONNEL

Monday, June 1, 2026

Mr. Stanley Ho

Re: **Stanley Ho VS.
Department of Fire
Docket Number: 9817**

Dear Mr. Ho:

Attached is the decision of the City Civil Service Commission in the above-referenced appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 6/1/2026 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Amoco Building, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in purple ink that reads "Stacie Joseph".

Stacie Joseph
Management Services Division

cc: Roman Nelson
William Goforth
Jay Ginsberg
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**STANLEY HO,
Appellant**

Docket No. 9817

v.

**DEPARTMENT OF FIRE,
Appointing Authority**

DECISION

Fire Apparatus Operator Stanley Ho appeals a 12-hour suspension imposed by the Department of Fire on December 4, 2025.¹ (Ex. HE-1). Permanent classified employees may appeal discipline pursuant to Article X, Section 8 of the Louisiana Constitution and Civil Service Rule II, Section 4.1. At all relevant times, Appellant was a permanent employee working as a Fire Apparatus Operator on Engine 27. (Tr. at 5).

A Hearing Examiner, appointed by the Commission, presided over a hearing on February 4, 2026. At this hearing, both parties had an opportunity to call witnesses and present evidence.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the hearing, all exhibits submitted at the hearing, the Hearing Examiner's report dated March 29, 2026, and controlling Louisiana law.

For the reasons set forth below, Operator Ho's appeal is DENIED.

I. FACTUAL BACKGROUND

Operator Ho concedes that he failed to wear his seat belt correctly while driving the fire apparatus on September 17, 2025, September 23, 2025, and September 26, 2025. (Tr. at 22-23).

¹ This suspension was communicated by letter dated November 18, 2025. (Ex. HE-1).

The Department of Fire does not dispute that Operator Ho first received notice that he had failed to wear his seatbelt correctly after September 28, 2025. (Tr. at 24).

NOFD uses a Samsara video/AI system in its vehicles. (Tr. at 52-53). Samara sends notifications about a number of issues, including failure to wear a seat belt correctly. (Tr. at 53-54). Samara sends notifications to NOFD about such issues as driver cell phone use, traffic violations, and driver's failure to wear a seatbelt. (Tr. at 52-53). Captain Jason Dufrene reviews the notifications from Samsara, and he forwards notifications of issues that may lead to discipline to Deputy Chief Terry Hardy. (Tr. at 12). In this case, Chief Hardy received all three violations about Operator Ho's failure to wear a seat belt correctly from Captain Dufrene at the same time. (Tr. at 20-21). Chief Hardy inadvertently sent only two of the violations to the Deputy Chief. (Tr. at 21-22).

Captain Gavin Murray counseled Operator Ho on October 2 about two of the violations. (Tr. at 40). Chief Hardy sent the third violation to the Deputy Chief later. (Tr. at 22).

Captain Gavin Murray charged Operator Ho on October 5 for violating NOFD Rules and Regulations 55 concerning seatbelts at the instruction of his superior. (Tr. at 82). The presumptive penalty for the first offense of failing to wear a seatbelt is a 24-hour suspension and the minimum penalty is a 12-hour suspension. (Tr. at 65-66). Superintendent of Fire Roman Nelson testified that during the time period of Operator Ho's violations, NOFD counseled firefighters for failing to wear a seatbelt before imposing formal discipline. (Tr. at 69). Superintendent Nelson testified that Operator Ho had received counseling, but he recognized that the counseling occurred after all three violations. (Tr. at 68). Therefore, even though Operator Ho violated RR-55 on three occasions, the penalty imposed was for a first offense. (Tr. at 71). In addition, the penalty was mitigated to a 12-hour suspension. (Tr. at 71).

Captain Murray testified counseling was sufficient to correct Operator Ho's failure to wear a seat belt correctly. (Tr. at 81). Captain Murray explained that after he counseled Operator Ho on October 2, he made an effort to remind Operator Ho to wear his seat belt correctly when Captain Murray was a passenger in the fire apparatus. (Tr. at 82, 84). Operator Ho has not violated the seatbelt requirement since October 2, 2025. (Tr. at 85).

II. ANALYSIS

A. Legal Standard for Commission's Review of Discipline

1. The Appointing Authority must show cause for discipline

“Employees with the permanent status in the classified service may be disciplined only for cause expressed in writing. La. Const., Art. X, Sec. 8(A).” *Whitaker v. New Orleans Police Dep't*, 2003-0512 (La. App. 4 Cir. 9/17/03), 863 So. 2d 572, 574 (quoting *Stevens v. Dep't of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). The Appointing Authority has the burden of proof of showing cause: “On appeal, the appointing authority ‘must prove by a preponderance of the evidence good or lawful cause for taking disciplinary action.’” *Jackson v. Sewerage & Water Bd. of New Orleans*, 2024-0801 (La. App. 4 Cir. 4/25/25), 414 So. 3d 984, 988–89; *Whitaker*, 863 So. 2d at 574. “It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the appointing authority has the burden of proving by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service in which the appointing authority is engaged. *Gast v. Dep't of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137 So. 3d 731, 733 (quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094). “Simplified, before the Commission, the appointing authority has the burden of proving a trio of elements—(1) the occurrence of the complained-of conduct—misconduct; (2) the impairment, as

a result of the misconduct, of the department's efficiency; and (3) the imposition of discipline commensurate with the misconduct—punishment.” *Do v. Dep’t of Safety & Permits*, 2025-0062 (La. App. 4 Cir. 7/14/25), 424 So. 3d 103, 109, *writ denied*, 2025-01098 (La. 11/12/25), 420 So. 3d 714.

a. The Appointing Authority must show the impairment of the efficiency of the public service

“Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Whitaker*, 863 So. 2d at 574. “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “Disciplinary action against a civil service employee will be deemed arbitrary and capricious unless there is a real and substantial relationship between the improper conduct and the “efficient operation” of the public service.” *Id.*

2. The Appointing Authority must show the discipline was commensurate with the infraction

The Commission has a duty to decide independently from the facts presented in the record whether the appointing authority carried its legally imposed burden of proving by a preponderance of evidence that it had good or lawful cause for disciplining the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Do*, 424 So. 3d at 109; *Durning v. New Orleans Police Dep’t*, 2019-0987 (La. App. 4 Cir. 3/25/20), 294 So. 3d 536, 538, *writ denied*, 2020-00697 (La. 9/29/20), 301 So. 3d 1195; *Abbott v. New Orleans Police Dep’t*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197; *Walters v. Dept. of Police of the City of New Orleans*, 454 So. 2d 106 (La. 1984). The Appointing Authority has the burden of showing that the discipline was reasonable and not arbitrary or capricious. *Neely v. Dep’t of Fire*, 2021-0454 (La. App. 4 Cir. 12/1/21), 332 So. 3d 194, 207 (“[NOFD] did not demonstrate . . . that termination was

reasonable discipline”); *Durning*, 294 So. 3d at 540 (“the termination . . . deemed to be arbitrary and capricious”).

a. Factors considered by Commission

“In determining whether discipline is commensurate with the infraction, the Civil Service Commission considers the nature of the offense as well as the employee’s work record and previous disciplinary record.” *Matusoff v. Dep’t of Fire*, 2019-0932 (La. App. 4 Cir. 5/20/20), 2020 Westlaw 2562940, *writ denied*, 2020-00955 (La. 10/20/20), 303 So. 3d 313. The Commission considers the nature of the offense, the employee’s work ethic, prior disciplinary records, job evaluations, and any grievances filed by the employee.” *Honore v. Dep’t of Pub. Works*, 14-0986, pp. 8-9 (La. App. 4 Cir. 10/29/15), 178 So. 3d 1120, 1131, *writ denied*, 2015-2161 (La. 1/25/16), 185 So. 3d 749.

B. NOFD has Shown Cause for the Discipline of Operator Ho

Operator Ho stipulated that he failed to wear his seat belt correctly on September 17, 23, and 26 while driving the fire apparatus. (Tr. at 22-23).


A firefighter’s failure to wear a seatbelt impairs the efficient operation of NOFD. Wearing a seatbelt correctly is important for the firefighter’s safety, and the failure to wear a seatbelt is a violation of law. (Tr. at 28). Superintendent Nelson testified that the last on-duty fatality of a New Orleans firefighter was due to a failure to wear a seat belt. (Tr. at 73). Injuries on duty result in increased expenses for the City of New Orleans. (Tr. at 74).

a. The 12-hour suspension is commensurate with the violation


Operator Ho suggested during the hearing that no formal discipline was warranted because he corrected his habit of only wearing a lap belt following the October 2 counseling. Operator Ho knew or should have known that he was required by NOFD policy and Louisiana law to wear his

seat belt correctly. Further, Superintendent Nelson testified that Operator Ho received a counseling and then a mitigated penalty for a first offense because Operator Ho learned of the violations after all three had occurred. Therefore, the undersigned Commissioners find that NOFD properly mitigated the penalty for three violations of RR-55 to a counseling and a 12-hour suspension.

Operator Ho's appeal is DENIED.

WRITER: 
John Korn (May 29, 2026 09:40:49 CDT)
JOHN KORN, VICE-CHAIRPERSON

CONCUR: 
Brittney Richardson (May 30, 2026 10:44:50 CDT)
BRITTNEY RICHARDSON, CHAIRPERSON


Ruth Davis (May 28, 2026 01:22:42 CDT)
RUTH DAVIS, COMMISSIONER