



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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CITY CIVIL SERVICE COMMISSION
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JOHN H. KORN, VICE-CHAIRPERSON
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Thursday, May 8, 2025

Mr. Louis Robein
2540 Severn Avenue, Suite 400
Metairie, LA 70002

Re: **Chase Bruner VS.
Department of Fire
Docket Number: 9638**

Dear Mr. Robein:

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 - 5/8/2025 - 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 blue ink, reading "Doddie K. Smith".

Doddie K. Smith
Chief, Management Services Division

cc: Roman Nelson
Averil Sanders
Jay Ginsberg
Chase Bruner

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**CHASE BRUNER,
Appellant**

Docket No. 9638

v.

**DEPARTMENT OF FIRE,
Appointing Authority**

DECISION

Appellant, Chase Bruner, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from his six-hour suspension communicated by letter from the Department of Fire dated June 21, 2024. (Exhibit HE-1). At all relevant times, Appellant had permanent status as a Firefighter. (Tr. at 12). A Hearing Examiner, appointed by the Commission, presided over a hearing on November 15, 2024. 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 12, 2025, the post-hearing briefs submitted by the parties, and controlling Louisiana law.

For the reasons set forth below, Firefighter Bruner's appeal is GRANTED.

I. FACTUAL BACKGROUND

The underlying facts of Firefighter Bruner's conduct on April 11, 2024, are set forth in the companion decision, *Chase v. Emergency Medical Service*, No. 9616 (Civil Service Commission

9/6/24)¹. As described in the *Chase* decision, Firefighter Bruner's race with another ambulance, including excessive speed and driving on the wrong side of the street, were recorded by EMS' video system. Firefighter Bruner was on loan from the Department of Fire when he was driving the ambulance on April 11, 2024. (Tr. at 13).

EMS Major Gerardo Figuero-Camps testified that EMS's in-vehicle camera system, Samsara, sent a report to him about a sudden brake at EMS headquarters on April 11 by one of the two ambulances. (Tr. at 98). When he reviewed the reported incidents from Samsara on April 18, he also reviewed the video footage from both units for the entire trip on April 11. (Tr. at 99). Then, Major Figuero sent the videos to EMS Deputy Chief Keller. (Tr. at 99). Chief Keller sent an email to the Department of Fire, informing them that Firefighter Bruner had violated traffic laws. (Tr. at 99, 123, 128-29). The Department of Fire requested the video from EMS on April 19, and EMS provided the video to Chief Bourdais on April 19. (Tr. at 101). Fire District Chief Larry White testified that Deputy Chief Bourdais told him about the incident before the date of Firefighter Bruner's special report on May 9. (Tr. at 92-93; Ex. NOFD-2). Deputy Chief Bourdais did not discover that the link was no longer active until May 9, almost three weeks later. Major Figuero testified that the Department of Fire again requested access on May 9, and he provided access a second time on that date. (Tr. at 101-02). Major Figuero explained that "at some point" after April 19, the shared file location or name had changed, so the original access no longer worked. (Tr. at 102). The Department of Fire charged Firefighter Bruner on May 9, 2024, and issued discipline on June 21, 2024. (Tr. at 24; Ex. HE-1).

¹ This decision is publicly available at the following link: nola.gov/getattachment/9108fcce-75b5-4d0c-8060-c6c69f8a456d/Chase,-Brendan-9616/

II. ANALYSIS

As a threshold issue, NOFD's discipline of Firefighter Bruner must comply with the Firefighter Bill of Rights. This Louisiana statute requires that any investigation of a fire employee be concluded within 60 days, with an exception for an extension of time. La. R.S. § 33:2186(A). The minimum standards during an investigation address the written notice to a fire employee (including the charges against the firefighter), recording of the interrogation, and the presence of counsel and/or a representative. La. R.S. § 33:2181. The Bill of Rights applies only to a "fire employee" defined as an employee of a fire department "under investigation with a view to possible disciplinary action, demotion, or dismissal." La. R.S. § 33:2181(A)(1). Any discipline imposed without strict compliance with the minimum standards is an absolute nullity. La. R.S. § 33:2181(C). Although only advisory in nature, the Louisiana Attorney General has opined that "an investigation of a fire employee begins when an authorized person starts to make inquiries or collect evidence concerning a fire employee where the end result is 'with a view to possible disciplinary action, demotion, or dismissal.'" La. Att'y Gen. Op. No. 08-0291 (Jan. 29, 2009). *But see Bergeron v. City of Kenner*, 10-229 (La. App. 5 Cir. 10/26/10), 51 So. 3d 143, 147 ("Attorney General Opinions are merely advisory and not binding authority").

The undersigned Commissioners find that the Department of Fire began an investigation of Firefighter Bruner on April 19, 2024. On April 19, EMS Chief Keller informed Fire Deputy Chief Bourdais by email that Firefighter Bruner had violated traffic laws, and, in response, Deputy Chief Bourdais requested the video from EMS. (Tr. at 101, 92-93). Deputy Chief Bourdais received access to the video from EMS stored on OneDrive on the same day. (Tr. at 101-02). Chief Bourdais' request for the video is an inquiry and his receipt of the video constitutes collecting evidence. This action by the Deputy Chief cannot be characterized as an initial inquiry by an

immediate supervisor, an exception to interrogations. La. R.S. 33:2181(A). Although Chief Bourdais knew EMS had complained about Firefighter Bruner's dangerous driving (as corroborated by Chief Larry White) and Chief Bourdais had access to the video evidence as of April 19, he did not attempt to access the video until May 9, almost three weeks later. (Tr. at 101-02). The Department of Fire argues that the three weeks between April 19 and May 9 should be excluded because the investigation did not begin until May 9, when Chief Bourdais received the link to the video. (Department of Fire's Post-Hearing Memorandum at 2). The Commission finds that the investigation was underway when Chief Bourdais received access to the video on April 19 in response to his request to EMS. Just because the Appointing Authority did not actually look at the video until May 9 does not serve as a sufficient basis for a conclusion that the investigation did not start until May 9. The investigation stated when the video was first received on April 19, not when the Appointing Authority decided to look at it. For us to decide otherwise creates an unacceptable precedent.

The Department of Fire concluded the investigation on June 21, 2024. (Ex. HE-1). Because the investigation of Firefighter Bruner exceeded 60 days, the discipline is an absolute nullity under La. R.S. 33:2181(C).

In the absence of the Department of Fire's failure to comply with the 60-day deadline in the Firefighter Bill of Rights, the undersigned Commissioners would deny Firefighter Bruner's appeal, as he engaged in the complained-of conduct and his behavior while on loan from the Department of Fire (and dressed in clothing identifying him as a member of the Department of Fire) impaired the efficient operation of the Department of Fire. (Tr. at 118). The six-hour suspension is commensurate with the violation.

Firefighter Bruner's appeal is GRANTED. The Department of Fire shall reimburse Firefighter Bruner for all lost wages and emoluments of employment from his six-hour suspension.

WRITER:



Ruth White Davis (May 8, 2025 09:57 CDT)

RUTH DAVIS, COMMISSIONER

CONCUR:



Mark Surprenant (May 7, 2025 11:36 CDT)

MARK SURPRENANT, COMMISSIONER

DISSENT BY VICE-CHAIRPERSON KORN

I would decide that the Department of Fire complied with the Firefighter Bill of Rights in this unique situation concerning Firefighter Bruner's conduct while under the supervision of the Department of Emergency Medical Services. As the majority opinion implicitly recognizes, the counseling by EMS Captain Stanley Woods on April 11, 2024, and the review of the video by EMS Major Gerardo Figuero-Camps and EMS Deputy Chief Chris Keller did not initiate the investigation under the Firefighter Bill of Rights. As the Superintendent of Fire testified, only the appointing authority can discipline an employee. (Tr. at 115). Even though Firefighter Bruner was under the supervision of the Department of Emergency Services on April 11, 2024, his appointing authority remained the Department of Fire.

The issue is when the Department of Fire initiated the investigation into Firefighter Bruner's April 11, 2024, reckless driving. Access to the EMS One Drive account with the relevant files was initially granted on April 19th. Gerardo Figaroa-Camps testified that at some point, there was an issue with the Fire Department's access to One Drive and the Department of Fire requested access again on May 9th. Therefore, the Department of Fire's investigation of Firefighter Bruner did not begin until May 9, 2024, when Fire Deputy Chief Bourdais was able to review the video. (Tr. at 113-14). EMS Chief Keller informed Fire Chief Bourdais by email that Firefighter Bruner had violated traffic laws. Based on the record evidence of the content of Chief Keller's email and my review of the video at issue, Chief Bourdais would not have understood how flagrant and serious Firefighter Bruner's conduct was before he reviewed the video. Since the Department of Fire concluded the investigation on June 21, 2024, within 60 days, the Department of Fire complied with the Firefighter Bill of Rights, La. R.S. 33:2181 *et seq.*

I concur with the majority that the Department of Fire carried its burden of showing cause and that the penalty of a six-hour suspension was commensurate with the violation.

I would deny Firefighter Bruner's appeal.

A handwritten signature in blue ink, appearing to read "J. Korn", with a long horizontal line extending to the right.

JOHN KORN, VICE-CHAIRPERSON