



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
SUITE 900 - 1340 POYDRAS ST.
NEW ORLEANS, LA 70112
(504)658-3500 FAX NO. (504) 658-3598

CITY CIVIL SERVICE COMMISSION
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DIRECTOR OF PERSONNEL

Wednesday, March 24, 2021

Mr. Donovan A. Livaccari
101 W. Robert E. Lee, Suite 402
New Orleans, LA 70124

Re: **Brandon Singleton VS.
Department of Police
Docket Number: 8885**

Dear Mr Livaccari:

Attached is the decision of the City Civil Service Commission in the matter of your 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 - 3/24/2021 - 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,

Stacie Joseph

Stacie Joseph
Management Services Division

cc: Shaun Ferguson
Megan A. Haynes
Jay Ginsberg
Brandon Singleton

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

BRANDON SINGLETON
Appellant

v.

Docket No. 8885

NEW ORLEANS POLICE DEPARTMENT
Appointing Authority

DECISION

Appellant, Brandon Singleton, 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 termination imposed by the New Orleans Police Department ("NOPD") on January 9, 2019 for dishonesty. (See Exhibits HE-1). At the time he was terminated, Appellant was employed as a police officer with the NOPD and had permanent status as a classified employee. A Hearing Examiner, appointed by the Commission, presided over a hearing held on March 14, 2019. At this hearing, both parties had an opportunity to call witnesses and present evidence. The Hearing Examiner provided the Commission with his advisory report dated April 30, 2019.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the March 14, 2019 hearing, all exhibits submitted at the hearing, the Hearing Examiner's April 30, 2019, report, and controlling Louisiana law. For the reasons set forth below, we DENY the appeal.

I. ANALYSIS

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). 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 terminating the classified employee and, if so, whether such discipline was commensurate with the dereliction. *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).

Appellant was involved in a vehicle accident while on duty and driving a police vehicle on June 27, 2018. Subsequently, Appellant was dishonest about his involvement in the accident,

including text-messaging another officer to enlist the officer's support to cover up the accident and fabricating an emergency furlough. (Tr. at 10-15, 36-37, 91, 113-117). Therefore, NOPD carried its burden of showing that the complained-of conduct occurred. Dishonesty necessarily impairs the efficiency of the NOPD. Given the importance of honesty from police officers, the discipline of termination is commensurate with the conduct.

Therefore, we DENY the appeal.

This the 24 day of March, 2021

WRITER:

Mark C. Surprenant

Mark C. Surprenant (Mar 18, 2021 17:43 CDT)

MARK SURPRENANT, COMMISSIONER

CONCUR:

CJ Moore

CJ Moore (Mar 22, 2021 08:47 CDT)

CLIFTON J. MOORE, JR., VICE-CHAIRPERSON

J H Korn

J H Korn (Mar 24, 2021 14:58 CDT)

JOHN KORN, COMMISSIONER