



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
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RUTH WHITE DAVIS  
ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Thursday, March 20, 2025

Mr. Oliver Fletcher

*[Faint, illegible text]*

Re: **Oliver Fletcher VS.  
Department of Safety & Permits  
Docket Number: 9620**

Dear Mr. Fletcher:

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 - 3/20/2025 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, Sec.12(B) of the Louisiana Constitution. Further, any such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

*Doddie K. Smith*  
Doddie K. Smith  
Chief, Management Services Division

cc: Tammie Jackson  
William R. H. Goforth  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**OLIVER FLETCHER,  
Appellant**

**Docket No. 9620**

**v.**

**DEPARTMENT OF SAFETY &  
PERMITS,  
Appointing Authority**

**DECISION**

Appellant, Oliver Fletcher, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from a June 11, 2024, letter of reprimand. (Exhibits HE-1). At all relevant times, Appellant had permanent status as a Code Enforcement Inspector I in the Department of Safety & Permits. (Tr. at 8). A Hearing Examiner, appointed by the Commission, presided over a hearing on August 1, 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 December 9, 2024, and controlling Louisiana law.

For the reasons set forth below, Mr. Fletcher's appeal is DENIED.

**I. FACTUAL BACKGROUND**

Mr. Fletcher has worked as a short-term rental inspector since August 22, 2022. (Tr. at 8-9). Short-term rental inspectors personally visit properties to determine whether property owners are violating the City's short-term rental ordinances. (Tr. at 21). Generally, these visits are in response to a complaint or to follow up on an illegal listing. (Tr. at 22). The Director of Safety & Permits, Tammie Jackson, testified that short-term rental inspectors take photos of the license

plates of the vehicles parked at the address and then look on the rental platforms to determine whether the property was rented at the time of the inspection. (Tr. at 23). Ms. Jackson also testified that inspectors may conduct a “stakeout” and then enter the property when it is occupied to conduct an inspection. (Tr. at 23-24). Ms. Jackson testified that “[y]ou might catch them.” (Tr. at 23-24). Inspectors document visits with photos and video. (Tr. at 24).

On May 29, 2024, Mr. Fletcher visited 2137 First Street to investigate the third complaint about this property. (Tr. at 22). The owners had been subject to the adjudication process on two previous occasions, and the City had fined them more than \$50,000. (Tr. at 36-37). Ms. Jackson testified that the owners were serious violators that the City was well-aware of. (Tr. at 39-40).

Mr. Fletcher drove by the property, and he noticed the vehicles had Mississippi license plates. (Tr. at 54). Mr. Fletcher was in a City vehicle, and he had on a City uniform. (Tr. at 22, 25). He identified himself, and he told a man and woman who were staying at the residence that he was investigating the address for a violation of the City’s short-term rental ordinances. (Tr. at 22). The woman at the site identified herself as the sister of the owner. (Tr. at 23).

Mr. Fletcher informed the woman that the short-term rental was illegal. (Tr. at 59). Mr. Fletcher testified that the woman threatened him, and this incident was the second time a person on the property was aggressive toward him. (Tr. at 52-53). Therefore, Mr. Fletcher took video of this conversation. (Tr. at 10). The two videos were entered into evidence at the hearing of this matter as Exhibit 1A and Exhibit 1B. The voices on the video are the woman’s voice and his voice (sometimes speaking at the same time), and 30 seconds elapsed between the two videos. (Tr. at 14). The woman warned Mr. Fletcher not to “come back around here” and accused him of “fucking harassing [her] family.” (Ex. S&P-1A; Tr. at 12). Mr. Fletcher asked the woman to repeat what he understood to be a “gun threat” made before he started the recording, asking her, “You said what.

If I come back around here what?” and “You said you going to do something about it.” (Ex. S&P-1A; Tr. at 12). In the second video, as the confrontation continued, the woman asked, “Am I supposed to be scared of you?” (Tr. at 15; Ex. S&P1B). She also said, “Get out the fucking car.” (Tr. at 16; Ex. S&P-1B). Mr. Fletcher responded, “If you threaten me again, we’re going to have an issue,” and repeated “[t]hreaten me again” at least three times. (Tr. at 15; Ex. S&P 1B).

Mr. Fletcher testified that he recorded the confrontation and tried to elicit a repetition of the earlier threat so that the City would take action. (Tr. at 72-73, 77). Mr. Fletcher testified he wanted proof that he was “physically threatened.” (Tr. at 70).

## II. ANALYSIS

### A. Legal Standard for Commission’s Review of 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 (quoting *Stevens v. Dep’t of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “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.* “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).

**1. 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. *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”).

**B. The Department of Safety & Permits has carried its burden of showing cause**

The Department of Safety & Permits has shown the occurrence of the complained-of conduct. According to the policy of Safety & Permits, inspectors “shall not engage in argument.” (Tr. at 28). Ms. Jackson testified that Mr. Fletcher should have excused himself and exited the property. (Tr. at 29). Instead, Mr. Fletcher was “loosely egging the person on” and prolonging the argument. (Tr. at 30). Safety & Permits also relies on a CAO policy requiring employees to be


civil and courteous to members of the public. (Tr. at 31). Mr. Fletcher testified that he should have “walked away” and conceded he could have been more respectful. (Tr. at 69-70, 78). The Department of Safety & Permits has also shown that Mr. Fletcher’s conduct impaired the efficient operation of the department by harming the public’s perception of the City. (Tr. at 32).

**1. The discipline is commensurate with the violation**


The least severe form of discipline, a letter of reprimand, is commensurate with Mr. Fletcher’s lack of judgment when engaging in a confrontation with a member of the public while investigating violations of the City’s short-term rental ordinances.

Mr. Fletcher’s appeal is DENIED.

WRITER:

  
Andrew Monteverde (Mar 12, 2025 10:26 CDT)  
ANDREW MONTEVERDE, COMMISSIONER

CONCUR:

  
Brittney Richardson (Mar 19, 2025 23:45 CDT)  
BRITTNEY RICHARDSON, CHAIRPERSON

  
JOHN KORN, VICE-CHAIRPERSON