



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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RUTH WHITE DAVIS
ANDREW MONTEVERDE

AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Friday, February 23, 2024

Mr. Obinna Okechukwu

Re: **Obinna Okechukwu VS.
Department of Safety & Permits
Docket Number: 9479/9490**

Dear Mr. Okechukwu:

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 - 2/23/2024 - 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
Management Services Division

cc: Tammie Jackson
James Roquemore
Imtiaz A. Siddiqui
file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**OBINNA OKECHUKWU,
Appellant**

Docket Nos. 9479, 9490

v.

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

DECISION

Appellant, Obinna Okechukwu, 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 July 6, 2023, emergency suspension and the termination of his employment on July 27, 2023. (Exhibits H0-1, HO-2). At all relevant times, Appellant had permanent status as a Senior Building Plan Examiner. (Tr. at 19; Ex. CNO-1). A Hearing Examiner, appointed by the Commission, presided over a hearing on September 5, 2023. At this hearing, both parties had an opportunity to call witnesses and present evidence. On September 26, 2023, Appellant moved to re-open the record to offer additional documents obtained from a public records request. The Hearing Examiner accepted Exhibits Appellant 2-7 into evidence on October 26, 2023, after allowing both parties to address the admissibility of the documents.

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 and subsequent to the hearing, the Hearing Examiner's report dated January 12, 2024, and controlling Louisiana law.

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

I. FACTUAL BACKGROUND

The Department of Safety and Permits issues building permits. The Department uses a software platform called LAMA to “view and track all of the events for permitting and licensing.” (Tr. at 24). The public-facing part of LAMA is called “One-Stop.”¹ (Tr. at 24). An owner or contractor may initiate the process by completing an online or paper application for a building permit. (Tr. at 156). A non-owner contractor who applies for a building permit must also submit a construction contract. (Tr. at 25). Employees in the Department of Safety and Permits review the scope of work in the construction contract and the building plans submitted before issuing a building permit. (Tr. at 25). At this early stage, the Department of Safety and Permits also ensures the contractor is licensed.² (Tr. at 25).

After the contractor has received the permit and completed the work, the Department of Safety and Permits performs a final inspection of the work performed. (Tr. at 27). Following a successful inspection, an applicant receives a certificate of occupancy or a certificate of completion. (Tr. at 26). A certificate of occupancy ensures that a building is habitable. (Tr. at 28). A certificate of completion reflects that the scope of work was completed. (Tr. at 28). Electrical permitting has a separate process. (Tr. at 26, 80-81). Usually, more than two different employees review an application at different stages. (Tr. at 55).

In or about March of 2023, the Office of Inspector General investigated building permits granted by the City of New Orleans Department of Safety and Permits to contractors under investigation by the state contractor licensing board. (Tr. at 21). When the Director, Tammie Jackson, looked at the permits granted to these contractors with licensing issues in the course of

¹ [City of New Orleans | One-Stop Shop Permitting & Licensing \(nola.gov\)](https://www.nola.gov/one-stop-shop-permitting-and-licensing)

² According to the Director, all construction with a value in excess of \$7,500 must be performed by a licensed contractor, unless the owner is performing construction on his or her homestead. (Tr. at 22).

the investigation, all the permits had one employee in common, Mr. Okechukwu. (Tr. at 21-22). Mr. Okechukwu was involved in the application, plan review, final inspections and/or certificate of occupancy/certificate of completion. (Tr. at 22; Ex. HO-2). Mr. Okechukwu approved the applications at multiple steps, which was unusual. (Tr. at 56). Stated another way, the unlicensed contractors all submitted documents to a single person in the Department of Safety and Permits. (Tr. at 23). In the termination letter, the Director stated that Mr. Okechukwu's unauthorized approvals "enable[d] an applicant to bypass adequate review prior to permit issuance." (Ex. HO-2).

The Director requested a report from the database manager of the software system (LAMA) of all the certificates of occupancy/certificates of completeness issued to the unlicensed contractors and the employee who issued the certificates. (Tr. at 23). From March 30, 2017, to May 24, 2023, Mr. Okechukwu had issued the certificates of occupancy/certificates of completeness to the contractors with licensing problems on 63 occasions, even though he lacked authority as a Senior Building Plan Examiner to issue these certificates. (Tr. at 27). Ms. Jackson testified that "[t]here is no authority in the code or in policy in the department for senior plan reviewer to issue or complete the certificate of occupancy [or completion]." (Tr. at 27-29). Mr. Okechukwu also failed to advise his direct supervisor, Jay Dufour, that he was performing the tasks outside his authority. (Tr. at 46; Ex. HO-2). In addition, the Director testified that every other step besides plan review was performed by Mr. Okechukwu in the permits issued to the unlicensed contractors. (Tr. at 33-34).

The Director also discovered that Mr. Okechukwu "tampered" with the electrical permits, even though he lacked authority because he was not ICC certified. (Tr. at 36, 81, 137). Ms. Jackson testified that "[n]o one ventured into the electrical division permit review." (Tr. at 36).

Mr. Okechukwu conceded that he issued the certificates of occupancy and completion, in addition to releasing electrical meters. (Tr. at 133). He also conceded that he had no independent authority to release electrical meters or authorization from Nah Do, the Chief Electrical Inspector, to release the meters. (Tr. at 137). Mr. Okechukwu claimed he had been granted authority to issue certificates of occupancy and completion by the Chief Building Examiner, Daniel Hrapmann, after Hurricane Ida. (Tr. at 31). The Director testified that Mr. Hrapmann reported to her that he had allowed Mr. Okechukwu to complete the certificate of occupancy on a couple of occasions after Hurricane Ida, but Mr. Okechukwu's issuance of the certificates far exceeded this authority. (Tr. at 47; Ex. CNO-2).³ Mr. Okechukwu's issuance of certificates of occupancy also pre-dated Hurricane Ida by several years, beginning in at least 2017. (Tr. at 52).

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.*

³ Mr. Hrapmann was unable to remember this conversation with the Director. (Tr. at 171). Despite this lack of corroboration, the Commission credits the testimony of the Director. Generally, Mr. Hrapmann's testimony seemed evasive. In response to the question of whether Mr. Okechukwu had authority to issue certificates of occupancy or completion, Mr. Hrapmann answered: “I can't answer that. It's not for me whether he has authority or not. I don't know.” (Tr. at 167). When asked whether he had ever given Mr. Okechukwu blanket authority to issue certificates of completion or occupancy, Mr. Hrapmann responded, “I don't think so.” (Tr. at 168-69).

“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. Mr. Okechukwu issued certificates of occupancy and completion without appropriate authority. Mr. Okechukwu also released electrical meters without authorization.

The Department of Safety & Permits also carried its burden of showing that the conduct impaired the efficient operation of the department. Ms. Jackson testified that she had to check all the certificates issued by Mr. Okechukwu to ensure that they were properly issued. (Tr. at 89). Improperly issued permits or certificates could raise safety concerns. (Tr. at 90). More importantly, this pattern of behavior erodes public trust in the Department. (Tr. at 95).

1. The discipline is commensurate with the violation

Mr. Okechukwu exceeded his authority to issue certificates of occupancy, certificates of completion, and electrical meters, raising safety and ethics concerns. Because of the serious nature of his conduct, the emergency suspension and termination are commensurate with the violation.

The appeal is DENIED.

This the 23rd day of February, 2024.

WRITER:



Brittney Richardson (Feb 23, 2024 04:43 CST)

BRITTNEY RICHARDSON, CHAIRPERSON

CONCUR:



J H Korn (Feb 12, 2024 11:59 CST)

JOHN KORN, VICE-CHAIRPERSON



Andrew Monteverde (Feb 5, 2024 14:53 CST)

ANDREW MONTEVERDE, COMMISSIONER