



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
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JOHN KORN, VICE-CHAIRPERSON  
MARK SURPRENANT  
RUTH WHITE DAVIS  
ANDREW MONTEVERDE

AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Monday, April 7, 2025

Mr. Oliver Fletcher

Re: **Oliver Fletcher VS.  
Department of Safety & Permits  
Docket Number: 9639**

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 - 4/7/2025 - 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,

A handwritten signature in blue ink that reads "Doddie K. Smith".

Doddie K. Smith  
Chief, Management Services Division

cc: Tammie Jackson  
James M. Roquemore  
Jay Ginsberg  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**OLIVER FLETCHER,  
Appellant**

**Docket No. 9639**

**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 letter of reprimand and a three-day suspension, both imposed by letter dated July 30, 2024. (Exhibit HO-1). At all relevant times, Appellant had permanent status as a Code Enforcement Inspector I in the Department of Safety & Permits. (Tr. at 8-9). A Hearing Examiner, appointed by the Commission, presided over a hearing on September 19, 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 January 3, 2025, and controlling Louisiana law.

For the reasons set forth below, Mr. Fletcher's appeal is GRANTED IN PART and DENIED IN PART.

**I. FACTUAL BACKGROUND**

Mr. Fletcher investigates violations of the City's short-term rental ordinances. (Tr. at 129). Property owners are subject to fines for violations of the short-term rental ordinances, so the owners are afforded a hearing before the fines are imposed. (Ex. CNO-8). One of Mr. Fletcher's

responsibilities is to post notices of these hearings at the property in question at least five days in advance of the hearing. (Tr. at 12-13). After posting the notice, Mr. Fletcher takes a photo of the posted notice at the property and uploads the photo into the software system used by Safety & Permits. (Tr. at 13). Mr. Fletcher failed to post notices for four hearings scheduled for July 9, 2024, so the Department of Safety & Permits had to re-set these hearings. (Tr. at 16-17, 35). Mr. Fletcher emailed his supervisor on July 8, 2024, at 8:13 A.M. to alert him to his oversight. (Ex. CNO-6).

The Department of Safety & Permits also disciplined Mr. Fletcher for what it viewed as unprofessional and discourteous behavior during the virtual hearing on July 10, 2024, as to short-term rental violations by the owner of 2137 First Street. (Ex. HO-1). Celeste Sparks, the Short-Term Rental Administrator for Safety & Permits and Mr. Fletcher's second-level supervisor, took issue with Mr. Fletcher's statement at the beginning of the hearing that he did not know why he was included in the hearing, as the investigation had been reassigned. (Tr. at 42). Ms. Sparks also found Mr. Fletcher's statement at the end of the hearing that he did not feel safe at the property inappropriate. (Tr. at 43). Ms. Sparks testified that Mr. Fletcher also should have asked questions outside of the hearing and that he lacked "professional decorum." (Tr. at 55).

Mr. Fletcher testified that no hearings took place for over a year because of litigation related to the short-term rental ordinances. (Tr. at 131). Ms. Sparks testified that the Department of Safety & Permits was subject to a restraining order from September 1, 2023, to February 28, 2024. (Tr. at 59). In addition, Ms. Sparks testified that the entire adjudication team resigned. (Tr. at 57). When the Department of Safety & Permits resumed enforcement of the short-term rental ordinance in 2024, the Central Adjudication Bureau began administering the hearings. (Tr. at 12, 57). The July 10, 2024, hearing as to 2137 First Street was this particular Hearing Officer's first short-term rental hearing. (Tr. at 59, 134; Ex. CNO-8). Internally, an analyst prepared the PowerPoint slides for the

presentation at the hearing, and the analyst did not send the slides to the investigator in advance of the hearing. (Tr. at 58). It is not Ms. Sparks' practice to meet with the investigator in advance of the hearing. (Tr. at 68).

Mr. Fletcher testified that there was confusion during the hearing because the adjudication team and the hearing officer were new. (Tr. at 134-35). The Hearing Officer had questions about how the fines are calculated. (Tr. at 135; Ex. CNO-8). Mr. Fletcher testified he did not believe he had a "bad tone," and that he usually explains his notes during hearings. (Tr. at 141). Addressing his comment about his inclusion in the hearing, Mr. Fletcher testified that he had never had a case reassigned, so it was an unusual circumstance. (Tr. at 139-40).

## 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 as to the reprimand**

Mr. Fletcher admitted he failed to post the four notices at issue at the disciplinary hearing, and he took responsibility for failing to post the notices on July 8, 2024, by emailing his supervisor to alert him to the oversight. Mr. Fletcher’s oversight impaired the efficient operation of the Department of Safety & Permits, as the hearings had to be rescheduled.

**1. The discipline of a letter of reprimand is commensurate with the violation**

The least severe form of discipline, a letter of reprimand, is commensurate with Mr. Fletcher's failure to post the notices, especially when Mr. Fletcher took responsibility for his mistake.

**C. The Department of Safety & Permits has failed to carry its burden of showing cause as to the suspension**

The Department of Safety & Permits has failed to carry its burden of showing the occurrence of the complained-of conduct; namely, that Mr. Fletcher was disruptive or made disparaging remarks during the virtual hearing on July 10, 2024. (Ex. HO-1). The undersigned Commissioners have reviewed the entire video of the hearing offered into evidence as Exhibit CNO-8. Mr. Fletcher's tone was respectful and his comments were almost all helpful to the Hearing Officer. For example, Mr. Fletcher explained to the Hearing Officer that one photo offered in support of violations at 2137 First Street was automatically stamped "2317 Loyola" and "2300 Loyola" by the camera because he took the photo from a side street. (Ex. CNO-8 at 11:44). As Mr. Fletcher testified, the Hearing Officer sought clarification about how the different levels of fines applied to the types of violations at issue, and Mr. Fletcher participated in the lengthy discussion about this calculation. (Tr. at 135; Ex. CNO-8 at 19:34 to 32:40). As Mr. Fletcher testified at his disciplinary hearing, he raised the issue of missing violations during the virtual hearing because he did not have the opportunity to review the presentation in advance of the hearing. (Tr. at 136). As a whole, it appears that Mr. Fletcher intended to be helpful to the Hearing Officer and the Department of Safety & Permits during the July 10, 2024, virtual hearing. The Hearing Officer imposed the maximum fines on the property owner. (Tr. at 142).

### III. CONCLUSION

Mr. Fletcher's appeal of the letter of reprimand is DENIED.

Mr. Fletcher's appeal of the three-day suspension is GRANTED. The Department of Safety & Permits shall reimburse Mr. Fletcher for all lost wages and emoluments of employment for the three-day period from July 31, 2024, to August 1, 2024.

WRITER:



Mark C. Surprenant (Apr 1, 2025 14:03 CDT)

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MARK SURPRENANT, COMMISSIONER

CONCUR:



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JOHN KORN, VICE-CHAIRPERSON



Ruth Davis (Apr 1, 2025 12:02 CDT)

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RUTH DAVIS, COMMISSIONER