

BELINDA PARKER BROWN, CHARLIE SQUARE, RITA  
M. McDONALD, TIM HOLMES, CHIEF LINDA TAHANE,  
HVISHI OPA LUKSI, KATRINA BROWN

NUMBER 745576 DOCKET: 26

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA STATE POLICE COMMISSION,  
EULIS SIMIEN, JR., OLIVER JENKINS, BERNELL  
NEVIL JR., TONY PIERITE, LT. MONTY MONTELONGO,  
JARED CARUSO-RIECKE, MARK "AUBREY" COLE

STATE OF LOUISIANA

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**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS'**  
**PEREMPTORY EXCEPTION OF NO CAUSE OF ACTION**

NOW UNTO COURT come Plaintiffs, Belinda Parker Brown, Charlie Square, Rita M. McDonald, Tim Holmes, Chief Linda Tahane, Hvishi Opa Luksi, and Katrina Brown, all in proper person, who provide this Memorandum in Opposition to Defendants' Peremptory Exception of No Cause of Action scheduled to be argued before this Honorable Court on June 17, 2024 at 9:30 a.m.

In Defendants' Peremptory Exception of No Cause of Action, they state:

"Plaintiffs did not and cannot allege there was a meeting by any members of the LSPC. Nor did they allege that a quorum of the LSPC members were (sic) present at any meeting."

To the contrary, Plaintiffs aver that Defendants did in fact engage in an **electronic** meeting wherein discussion of the dissemination of the letter among LSPC members and subsequent intended mailing to DA candidate Collin Sims did in fact transpire. Defendants then individually affixed their **digital signatures** (constituting their "votes" on the matter), and thereby provided authorization for the LSPC Executive Director, Jason Hannaman, to mail the letter to Collin Sims. While Defendants indicate that no "meeting" took place among the Members of the LSPC, they conveniently fail to address how those **digital** signatures (requiring a username and password by each Member) managed to be obtained on a single document!

Plaintiffs have clearly established the presence of a quorum as the clear and irrefutable trail of electronic evidence shows that all seven (7) of the then-Members of the Commission both received the letter and acted upon it. The letter, upon information and belief, electronically sent to the Members as an initial email and, also upon information and belief, was disseminated by its Executive Director (presumably at the direct order of

LSPC Chairman Eulis Simien, Jr.), Jason Hannaman. The letter was received and acted upon by every single one of the then-existing seven (7) LSPC members. Thus, not only was a quorum obtained for this **electronic** meeting, but the entirety of the membership of the LSPC participated in the **electronic** meeting, and that fact is demonstrated by their affixed **digital signatures**.

Defendants further assert: “Finally, Plaintiffs’ conclusory allegations of ‘proxy voting’ and ‘secretive balloting’ that assume and conclude there were discussions among the individual defendants should not be considered by the Court as facts. The allegations do not and could not truthfully allege a discussion among the Commissioner (sic) either directly or through the letter.”

This Honorable Court does not have to consider as “facts” that there were “discussions” among the individual defendants. All the Court must do is exercise common sense. Are Defendants suggesting that the Executive Director, Jason Hannaman, simply fell out of bed one morning (a Saturday, no less) and decided to draft the letter, disseminate it electronically, and seek for each Defendant to affix their individual **digital signatures** on the letter?

To even suggest such a scenario would be utterly preposterous, and Defendants know that. Furthermore, Plaintiffs aver that Executive Director Hannaman, a veteran high-ranking official at the Louisiana Department of Civil Service for a lengthy period prior to accepting his current position with the LSPC in early 2017, is virtually certain to have known that the actions of the Defendants constituted both violations of the LSPC’s own rules and the Louisiana Constitution. Perhaps that is why Executive Director Hannaman, at 10:15 a.m. on March 28, 2024, declined to accept service on behalf of any of the six (6) Defendants for which he could have done so when EBRP Sheriff Deputy D. McKnight attempted service upon him as a representative of Defendants (the six Defendants subsequently waived service).

Plaintiffs are not required to prove their entire case in their initial petition, and the very first item of requested discovery prior to any trial on the merits of this matter will be a Request for the Production of Documents which will include all email transmissions between the members and/or its Executive Director pertaining to this matter.

In doing so, Plaintiffs aver that they will be able to demonstrate beyond any reasonable doubt that communications took place among the members because, even if

such records reveal nothing more than the Executive Director transmitting an email to Defendants and them responding back with authentic **digital signatures** (again, which requires the use of an individually-assigned username and password), that alone constitutes communications of which they were all fully aware were transpiring (albeit via electronic means).

To assert that this letter was mysteriously disseminated on a whim by Executive Director Hannaman to the Members, and the Defendants all then individually **digitally signed it**, and that not one Defendant replied with anything along the lines of, “What is this?” or, “Why am I being asked to sign this?” would be to simultaneously admit that prima facie evidence (i.e. the lack of such written inquiries via email) exists that is unquestioned that the matter had been discussed before the letter was even disseminated and, further, that the dissemination of the letter and the obtaining of signatures was nothing more than a mere formality!

Quite simply, the actions of the Defendants are too bizarre to suggest that the matter was never discussed either verbally or via email beforehand. Such a scenario would be wholly illogical. Hence, the emails are absolutely critical to Plaintiffs’ ability to demonstrate communications, and for Defendants to assert that Plaintiffs will be unable to demonstrate such communications took place is itself a “conclusory allegation” being made by Defendants. Further, it is in all likelihood a desperation effort to keep the contents of those emails from ever being made public.

Defendants further assert: “...this letter was addressed to a person over whom the LSPC did not maintain jurisdiction, supervision, or control, and that concerned a matter over which the LSPC did not maintain jurisdiction, supervision, or control.”

While this admission is utterly stunning on the part of Defendants, the fact of the matter is that the letter was mailed out on official LSPC letterhead, complete with Louisiana Gov. Jeff Landry’s name on prominent display on the upper-right corner of the letter to give the unmistakable impression that each Member of the LSPC was acting within his official capacity to exercise his power to seek a voluntary Cease and Desist on the part of candidate Collin Sims and his campaign activities. This fact is made even more apparent that the Defendants wished to convey that they were in fact acting in their official capacities by the opening sentence of the letter: “As members of the Louisiana State Police Commission, we are writing to ask you to cease and desist.....”

Defendants did not disseminate individual letters on plain stationery indicating he was acting in his individual capacity but, rather, the Defendants collectively sent one single letter on official LSP letterhead complete with Gov. Jeff Landry's name on prominent display in the upper-right corner in a direct and concerted effort to provide the impression that they did have jurisdiction over the subject matter of the letter.

Further, by directly interjecting themselves into an active political campaign in a highly partisan fashion by point-blank accusing St. Tammany Parish District Attorney Collin Sims of using a photograph in a "false light," Defendants did far more than just violate Louisiana's Open Meeting Laws.

The reality is that, not only did the Defendants knowingly and willfully violate Louisiana's Open Meetings Laws in failing to place this matter on a formal agenda, which they could have done a mere 19 days after the letter was sent out (and permitted public comment on the matter) as a regularly-scheduled meeting was scheduled (and held) on February 8, 2024, but by their own admission in their Peremptory Exception of No Cause of Action, they have now admitted to knowingly and willfully violating their Oaths of Office and the Louisiana Constitution, which expressly prohibits them from engaging in the very type of political activity in which they did. Plaintiffs aver that is the whole reason that the activities of Defendants were done with such secrecy because they knew full well that they were violating not only their own rules but also the Louisiana Constitution in sending out that letter to Collin Sims.

At this time, Plaintiffs submit the following excerpt from the official response of the Collin Sims campaign to the letter, which was disseminated via email to LSPC Executive Director, Jason Hannaman, on Thursday, February 8, 2024 at 5:49:49 p.m. by Mr. Sims' Campaign Manager, Lionel Rainey:

*What should be concerning to the commission, those who govern it, and the general public, is the apparent involvement herein by Louisiana State Police Commission member Jared Caruso-Riecke and any direct or indirect involvement he may have with the upcoming election for the 22nd Judicial District Attorney's Office. Direct or indirect involvement by Mr. Rieke in support of candidate Vincent Wynne, or any other candidate, appears to be in violation of the Louisiana Constitution (Article 10, Section 47) and Louisiana State Police Commission Rules (LSPC Rule 14.2).*

*The purpose of any appointment to the Louisiana State Police Commission is to be in service to the citizens of Louisiana. It is disappointing to see this commission potentially used in a political manner in contrast to its mission, state law, and its own rules.*

The preceding excerpt speaks for itself; furthermore, the LSPC has an extensive past history of impermissible involvement in political campaigns which has resulted in resignations of multiple LSPC Members and other embarrassing episodes, to wit:

- ⇒ Former LSPC Commissioner (and Chairman) Franklin Kyle, who is close friends with current LSPC Member Jared Caruso-Riecke and who both serve on the same bank Board of Directors for which Riecke has a substantial ownership interest in the bank, along with Members Freddie Pitcher and William Goldring, having to resign due to illegal campaign contributions during the 2015 Gubernatorial campaign.
- ⇒ Current LSPC Chairman Eulis Simien, Jr., having to write a letter of apology to 19<sup>th</sup> JDC Judge Don Johnson for his false testimony that he gave in the trial of the Louisiana State Trooper's Association v. the Louisiana State Police Commission (trial date, November 3, 2022 and letter of apology November 9, 2022) wherein Defendant Simien falsely testified that his law firm had not made any political contributions since he assumed office when, in reality, the firm made contributions to then-candidate John Bel Edwards of \$4,917.17 on March 10, 2017; to then-candidate Wilson Fields of \$500 on November 28, 2018; and to then-candidate Erica L. Greene of \$250 on February 9, 2017.
- ⇒ A January 10, 2019 LSPC meeting at which LSP Retired Lt. Leon "Bucky" Millet called for the "immediate resignations" of three then-current LSPC members entailing Defendant Simien's contributions referenced above and an alleged \$500 campaign contribution on the part of Defendant Jared Caruso-Riecke to the campaign of then-candidate Mark Wright. The third member, Harold Pierite, subsequently resigned.

Thus, the secretive **electronic** meeting which transpired among the LSPC Members, for which they have now admitted in a filing to this Honorable Court that they had "no jurisdiction," makes it clear and unquestioned that they violated their Oaths of Office and the Louisiana Constitution, which represents a continued pattern of such activity on the part of LSPC Members.

Plaintiffs further aver that Defendants recognized the need for secrecy because they knew, as demonstrated by past historical episodes, that what they were doing

constituted a direct violation of not only of their own rules but also of the Louisiana Constitution which they took an oath to uphold.

Just as was the case for prior members referenced previously (Goldring, Pitcher, and Kyle) wherein then-Governor John Bel Edwards sought and obtained the prompt resignations of then-LSPC members Pitcher, Kyle, and Goldring, Defendants' actions in this matter, which are even more egregious than those actions of Pitcher, Kyle, and Goldring because the letter gives the unmistakable impression that Louisiana Gov. Jeff Landry opposed DA candidate Collin Sims in his efforts to be elected St. Tammany Parish DA, current Louisiana Governor Jeff Landry is duty bound to seek the immediate resignations of the Defendants in this matter (except Bernell Nevel, who has already resigned) from the Commission and, absent any (or all) Defendant(s)' willingness to tender his (their) resignation(s), and pursuant to Louisiana's Constitution, Gov. Landry is duty bound to convene a hearing over which he presides and for which he also makes the final determination whether any or all of these Members is/are permitted to remain as LSPC Members in light of their egregious conduct in this matter.

Finally, for Defendants to be able to escape liability for this violation of Louisiana's Open Meetings Laws would send a horrendously-bad message to the public that the sort of secretive electronic meeting in which they engaged should serve as a blueprint not only for future such action on the part of LSPC members but also to other Louisiana governmental agencies to merely engage in such egregious acts but to do so electronically and thereby escape any consequences of such behavior.

WHEREFORE, petitioners, BELINDA PARKER BROWN, CHARLIE SQUARE, RITA M. McDONALD, TIM HOLMES, CHIEF LINDA TAHANE, HVISHI OPA LUKSI, KATRINA BROWN pray that Defendants Peremptory Exception of No Cause of Action be denied. Further, in the event this Honorable Court grants Defendants' Peremptory Exception of No Cause of Action, Plaintiffs respectfully represent that they are able to easily amend the Petition to firmly state a Cause of Action by merely adding wording such as "upon information and belief" to what Defendants have referenced are "conclusory allegations" which, again, Plaintiffs aver should entail nothing more than the exercise of common sense on the part of this Honorable Court (or anyone else) about whether communications transpired between the Defendants. Nevertheless, in an

abundance of caution, in the event that this Honorable Court is inclined to grant Defendants' Exception and, pursuant to LA CCP 934, Plaintiffs ask this Honorable Court that they be permitted to amend the Petition to remedy the exception in accordance with the Code which states, in pertinent part, "when the grounds of the objection pleaded by the peremptory exception may be removed by amendment of the petition, the judgment sustaining the exception shall order such amendment within the delay allowed by the court."

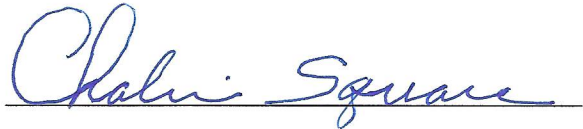
Respectfully Submitted,

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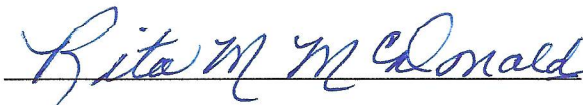
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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has this day been forwarded to all known counsel of record by:

- United States mail, properly addressed and postage prepaid.
- Registered United States mail, return receipt requested, properly addressed and postage prepaid.
- Facsimile transmission.
- Hand Delivery.
- E-mail Transmission.

Slidell, Louisiana, this 9<sup>th</sup> day of May, 2024.

Belinda Parker-Brown, in proper person.

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