BOSSIER CITY MUNICIPAL
FIRE & POLICE CIVIL SERVICE BOARD
PO BOX 5337
BOSSIER CITY, LOUISIANA 71171-5337
PHONE: 318/698-7335
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JAMES HUCKABAY
CHAIRMAN

BARBARA MURRAY
SECRETARY

CIVIL SERVICE BOARD MEETING
SEPTEMBER 16, 2015
9:00 AM
BOSSIER CITY COUNCIL CHAMBERS
620 BENTON ROAD
BOSSIER CITY, LOUISIANA 71111

ON SEPTEMBER 16, 2015, THE BOSSIER CITY MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD MET IN THE BOSSIER CITY COUNCIL CHAMBERS, 620 BENTON ROAD, BOSSIER CITY, LOUISIANA.

AGENDA

I. CALL TO ORDER 9:00 AM

CHAIRMAN JAMES HUCKABAY CALLS THE MEETING TO ORDER AT 9:05 AM

MEMBERS PRESENT: JAMES HUCKABAY, CHAIRMAN/GBBM
JASON SHELTON, VICE CHAIRMAN/FDBM
CHARLES BRIDGES, PDBM
WILLIAM SCHWARTZ, CLBM
LOU CHANDLER, CLBM

OTHERS PRESENT: BARBARA MURRAY, BOARD SECRETARY
CECIL CAMPBELL, LEGAL ADVISOR TO THE BOARD
LARRY HAWKINS, APPELLANT
PAMELA BREEDLOVE, LEGAL ADVISOR TO MR. HAWKINS
MICHAEL LOWE, LEGAL ADVISOR TO THE CITY OF BOSSIER CITY
SHANE MCWILLIAMS, CHIEF OF POLICE
JAMES STEWART, DEPUTY CHIEF OF POLICE
MS. RHEBA E. GWIN, CERTIFIED COURT REPORTER

II. APPROVAL OF AGENDA FOR SEPTEMBER 16, 2015

BY MR. SHELTON

MOTION MADE TO APPROVE THE AGENDA FOR SEPTEMBER 16, 2015

SECOND BY MR. BRIDGES
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES

III. APPROVE AND DISPENSE WITH READING OF BOARD MINUTES OF JULY 22, 2015

BY MR. SHELTON

MOTION MADE TO APPROVE AND DISPENSE WITH READING OF BOARD MINUTES OF JULY 22, 2015

SECOND BY OFFICER BRIDGES
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES

IV. OLD BUSINESS

POLICE DEPARTMENT

1. APPROVAL OF EXAM RESULTS FOR POLICE CAPTAIN

THE CIVIL SERVICE EXAMINATION FOR POLICE CAPTAIN WAS CONDUCTED IN BOSSIER CITY AUGUST 12, 2015.

BY OFFICER BRIDGES

MOTION MADE TO APPROVE THE EXAM RESULTS FOR POLICE CAPTAIN

SECOND BY MR. SHELTON
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES
SEE ATTACHMENT

2. APPROVAL OF EXAM RESULTS FOR POLICE COMMUNICATIONS OFFICER

THE CIVIL SERVICE EXAMINATION FOR POLICE COMMUNICATIONS OFFICER WAS CONDUCTED IN BOSSIER CITY AUGUST 12, 2015.

BY OFFICER BRIDGES

MOTION MADE TO APPROVE THE EXAM RESULTS FOR POLICE COMMUNICATIONS OFFICER

SECOND BY MR. SHELTON
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES
SEE ATTACHMENT

3. APPROVAL OF APPLICATIONS FOR JAILER I

THIS BOARD ADVERTISED FOR JAILER I, JULY 27, 2015, THROUGH AUGUST 26, 2015. THE CIVIL SERVICE EXAM FOR JAILER I WILL BE CONDUCTED IN BOSSIER CITY SEPTEMBER 30, 2015.

BY OFFICER BRIDGES

MOTION MADE TO APPROVE THE APPLICATIONS FOR JAILER I, EXAM SCHEDULED FOR SEPTEMBER 30, 2015

SECOND BY MR. SHELTON
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES

SEE ATTACHED ROLL CALL

FIRE DEPARTMENT

1. APPROVAL OF EXAM RESULTS FOR SUPERVISOR OF EMERGENCY MEDICAL SERVICES

THE CIVIL SERVICE EXAM FOR SUPERVISOR OF EMERGENCY MEDICAL SERVICES WAS CONDUCTED IN BOSSIER CITY ON AUGUST 12, 2015.

BY MR. SHELTON

MOTION MADE TO APPROVE THE EXAM RESULTS FOR SUPERVISOR OF EMERGENCY MEDICAL SERVICES

SECOND BY OFFICER BRIDGES
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES
SEE ATTACHMENT

V. NEW BUSINESS

POLICE DEPARTMENT

1. APPROVAL OF PERSONNEL ACTION FORMS

BY OFFICER BRIDGES

MOTION MADE TO APPROVE THE PERSONNEL ACTION FORMS FROM THE POLICE DEPARTMENT

SECOND BY MR. SHELTON
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES
SEE ATTACHEMNT

PERSONNEL ACTION FORMS APPROVED:

BREWTON, GREGORY J.	RESIGNATION
COBB, BRANDON M.	RESIGNATION
GRAY, CHAD N.	CORRECTED PAF
JOSEPH, EDWARD	RETIREMENT
KUTZ, LINDSEY A.	TERMINATION OF SICK LEAVE
SHORTLE, MICHAEL J.	RESIGNATION
SLOAN, JAMES M. JR.	PROBATIONAL POLICE OFFICER
STEWART, CAMILLE N.	POLICE OFFICER RECRUIT
STEWART, JAMES W.	TERMINATION OF SICK LEAVE
WALSH, JONATHAN L.	POLICE OFFICER RECRUIT

2. APPROVAL OF APPLICANTS REQUESTING THEIR TEST RESULTS FOR POLICE OFFICER BE REPORTED TO THIS JURISDICTION

BY OFFICER BRIDGES

MOTION MADE TO APPROVE THE APPLICANTS REQUESTING

THEIR TEST RESULTS FOR POLICE OFFICER BE REPORTED TO THIS JURISDICTION

SECOND BY MR. SHELTON
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES

APPLICANTS APPROVED:

NAME:	BRICE, DONALD R.
TEST SCORE:	81
JURISDICTION TESTED IN:	NATCHITOCHES
DATE SCORE CERTIFIED:	AUGUST 6, 2014

NAME:	COKER, BRANDON W.
TEST SCORE:	90
JURISDICTION TESTED IN:	VILLE PLATTE
DATE SCORE CERTIFIED:	JULY 27, 2015

NAME:	EASTERLING, JOHN E.
TEST SCORE:	90
JURISDICTION TESTED IN:	VILLE PLATTE
DATE SCORE CERTIFIED:	JULY 27, 2015

NAME:	FARRIS, JACOB S.
TEST SCORE:	92
JURISDICTION TESTED IN:	VILLE, PLATTE
DATE SCORE CERTIFIED:	JULY 27, 2015

NAME:	HART, CHADRICK D.
TEST SCORE:	81
JURISDICTION TESTED IN:	VILLE PLATTE
DATE SCORE CERTIFIED:	JULY 27, 2015

NAME:	HOLLOWAY, MATTHEW D.
TEST SCORE:	89
JURISDICTION TESTED IN:	ABBEVILLE
DATE SCORE CERTIFIED:	AUGUST 11, 2015

NAME:	MEJIA, CHARLES N.
TEST SCORE:	79
JURISDICTION TESTED IN:	ABBEVILLE
DATE SCORE CERTIFIED:	AUGUST 11, 2015

NAME:	PERSLEY, DEMETRIUS
TEST SCORE:	88
JURISDICTION TESTED IN:	OPELOUSAS
DATE SCORE CERTIFIED:	MAY 13, 2015

NAME:	WATSON, JEREMY
TEST SCORE:	83
JURISDICTION TESTED IN:	SHREVEPORT
DATE SCORE CERTIFIED:	MAY 5, 2015

3. APPROVAL OF APPLICANTS REQUESTING THEIR TEST RESULTS FOR POLICE COMMUNICATIONS OFFICER BE REPORTED TO THIS JURISDICTION

NONE

FIRE DEPARTMENT

1. APPROVAL OF PERSONNEL ACTION FORMS

BY MR. SHELTON

MOTION MADE TO APPROVE THE PERSONNEL ACTION FORMS FROM THE FIRE DEPARTMENT

SECOND BY OFFICER BRIDGES
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES
SEE ATTACHMENT

PERSONNEL ACTION FORMS APPROVED:

BELL, JOSHUA W.	SUBSTITUTE APPOINTMENT
BELL, JOSHUA W.	TERMINATION OF SUBSTITUTE APPOINTMENT
BELL, JOSHUA W.	SUBSTITUTE APPOINTMENT
DUNN, LEONARD K.	SUBSTITUTE APPOINTMENT
FERLITO, NICHOLAS J.	SICK LEAVE
GASKIN, STEVEN C.	SUBSTITUTE APPOINTMENT
HARPER, KERRY L.	SUBSTITUTE APPOINTMENT
KEELER, DALE E.	SUBSTITUTE APPOINTMENT
MADDEN, JOHN S.	PROMOTION
MITCHELL, GARY L.	SUBSTITUTE APPOINTMENT
MOSES, RANDALL L.	SICK LEAVE
PILINSKI, JOHN R.	SUBSTITUTE APPOINTMENT
PRESLEY, CHAD E.	SUBSTITUTE APPOINTMENT
SMITH, JEFFREY S.	RETIREMENT
SOJOURNER, BRIAN C.	SUBSTITUTE APPOINTMENT
SPROLES, DAVID G.	SUBSTITUTE APPOINTMENT
SPROLES, DAVID G.	TERMINATION OF SUBSTITUTE APPOINTMENT
SPROLES, DAVID G.	PROMOTION
WAGGONER, THOMAS C.	PROMOTION
WILHITE, EDGAR D.	SICK LEAVE

2. APPROVAL OF APPLICANTS REQUESTING THEIR TEST RESULTS FOR FIREFIGHTER BE REPORTED TO THIS JURISDICTION

BY MR. SHELTON

MOTION MADE TO APPROVE THE APPLICANTS REQUESTING THEIR TEST SCORE FOR FIREFIGHTER BE REPORTED TO THIS JURISDICTION

SECOND BY OFFICER BRIDGES
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SHELTON, MR. SCHWARTZ, MR. CHANDLER, OFFICER BRIDGES

APPROVED APPLICANTS:

NAME:	JOHNSTON, MORGAN
TEST SCORE:	90
JURISDICTION TESTED IN:	BAYOU CANE FPD
DATE SCORE CERTIFIED:	DECEMBER 1, 2014

NAME:	LEWIS, DEANTHONY
TEST SCORE:	80
JURISDICTION TESTED IN:	COVINGTON
DATE SCORE CERTIFIED:	MARCH 30, 2015

NAME:	MOULTON, WILLIAM W.
TEST SCORE:	90
JURISDICTION TESTED IN:	CADDO PFD#4
DATE SCORE CERTIFIED:	AUGUST 28, 2014

NAME:	SPARISH, DASHEY
TEST SCORE:	91
JURISDICTION TESTED IN:	RAPIDES PFD#3
DATE SCORE CERTIFIED:	OCTOBER 16, 2014

3. APPROVAL OF APPLICANTS REQUESTING THEIR EXAM RESULTS FOR FIRE COMMUNICATIONS OFFICER BE REPORTED TO THIS JURISDICTION

NONE

VI. APPEAL HEARING

1. LARRY HAWKINS VS CITY OF BOSSIER CITY

MR. HAWKINS PRESENT WITH COUNSEL, MS. PAM BREEDLOVE
CITY OF BOSSIER CITY PRESENT WITH COUNSEL, MR. MICHAEL LOWE

LARRY HAWKINS WAS TERMINATED FROM THE BOSSIER CITY POLICE DEPARTMENT JULY 18, 2011.

MR. HAWKINS APPEALED HIS TERMINATION AND THIS BOARD HEARD TESTIMONY ON SEPTEMBER 21, 2011. AFTER HEARING TESTIMONY AND REVIEWING EVIDENCE, BY MAJORITY VOTE THIS BOARD UPHELD THE TERMINATION.

MR. HAWKINS APPEALED THIS BOARD'S DECISION THROUGH THE DISTRICT COURT.

THE MATTER WAS REMANDED BACK TO THIS BOARD BY THE 26TH JDC AND WAS HEARD ON MARCH 13, 2013. AFTER HEARING TESTIMONY THIS BOARD UPHELD THE TERMINATION OF MR. HAWKINS.

MR. HAWKINS AGAIN APPEALED THIS DECISION THROUGH THE DISTRICT COURT.

THE MATTER WAS REMANDED BACK TO THIS BOARD BY THE 26TH JDC .

ALL BOARD MEMBERS HAVE BEEN FURNISHED WITH TRANSCRIPTS FROM BOTH THE ORIGINAL APPEAL HEARING AND THE REMAND HEARING OF MARCH 13, 2013.

MS. BREEDLOVE AT THIS TIME QUESTIONS CHAIRMAN HUCKABAY REGARDING HIS RESIDENCY.

MS. BREEDLOVE STATES MR. HAWKINS HAD RECEIVED INFORMATION THAT CHAIRMAN HUCKABAY NOW RESIDES IN TEXAS AND SHOULD RECUSE HIMSELF FROM THIS HEARING.

CHAIRMAN HUCKABAY STATES HE DOES OWN A HOME IN TEXAS BUT HE OWNES A HOME IN BOSSIER CITY AND IS A REGISTERED VOTER OF BOSSIER PARISH.

MR. LOWE AND MS. BREEDLOVE AT THIS TIME GIVE OPENING STATEMENTS.

MS. BREEDLOVE REQUSTED SUBPOENAS BE ISSUED, HOWEVER OFFICER BRIDGES WAS NOT ABLE TO MAKE SERVICE ON FORMER POLICE OFFICERS KARY SZYSKA AND BEN ENGLAND. CAPT. RANDY RUFTY AND LT. GARY AGUIRRE ARE PRESENT.

THE ONLY WITNESS CALLED TO TESTIFY IS CAPT. RANDY RUFTY.

NO NEW EVIDENCE IS ENTERED.

MR. CAMPBELL EXPLAINS TO THE BOARD THEIR OPTIONS FOR A MOTION.

BOTH SIDES REST AND THE FOLLOWING MOTION IS MADE:

BY MR. SHELTON

MOTION MADE TO AFFIRM THE DECISION OF THE BOARD.

SECOND BY OFFICER BRIDGES
COMMENTS: NONE
VOTING IN FAVOR: MR. HUCKABAY, MR. SCHWARTZ, MR. CHANDLER, MR. SHELTON, OFFICER BRIDGES
SEE COMPLETE TRANSCRIPT

VII. ADJOURN

WITH THERE BEING NO FURTHER BUSINESS, ON A MOTION BY MR. SHELTON, SECOND BY OFFICER BRIDGES AND CARRIED UNANIMOUSLY, THIS MEETING IS ADJOURNED AT 9:39 AM.

Barbara Murray

BARBARA MURRAY, SECRETARY
BOSSIER CITY MUNICIPAL FIRE AND POLICE
CIVIL SERVICE BOARD

ENCL:

CC: OFFICE OF THE MAYOR
OFFICE OF THE STATE EXAMINER

BOSSIER CITY MUNICIPAL FIRE AND POLICE
CIVIL SERVICE BOARD
BOSSIER PARISH, LOUISIANA

****

HEARING FOR

LARRY HAWKINS VERSUS THE CITY OF BOSSIER CITY

****

TAKEN ON WEDNESDAY, SEPTEMBER 16, 2015
BEGINNING AT 9:05 A.M. AND CONCLUDING AT 9:39 A.M
AT THE BOSSIER CITY COUNCIL CHAMBERS
BOSSIER CITY MUNICIPAL COMPLEX
620 BENTON ROAD
BOSSIER CITY, LOUISIANA 71171

COPY

ORIGINAL

REPORTED BY: RHEBA EPPINETTE GWIN, CCR

APPEARANCES:

MEMBERS OF THE BOARD:

JAMES HUCKABY, CHAIRMAN

LOU CHANDLER
WILLIAM SCHWARTZ
CECIL CAMPBELL
JASON SHELTON
CHARLES BRIDGES

ALSO PRESENT:

BARBARA MURRAY

COUNSEL FOR LARRY HAWKINS:

BREEDLOVE LAW FIRM
216 Rolling Meadow Lane
Bossier City, Louisiana 71112

appearing herein by and through
Ms. Pamela N. Breedlove
pambreedlove@breedlovefirm.com

COUNSEL FOR BOSSIER CITY MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD:

KEAN MILLER LLP
333 Texas Street, Suite 450
Shreveport, Louisiana 71101

appearing herein by and through
Mr. Michael D. Lowe
michael.lowe@keanmiller.com

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PROCEEDINGS

CHAIRMAN HUCKABY:

Let's call to order this meeting of the Bossier City City Municipal Fire and Police Civil Service Board. First item on the agenda is the approval of the agenda for September 16, 2015.

MR. SHELTON:

I make a motion to approve the agenda for September 16, 2015.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

There is a motion on the floor to second, all in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Approve and dispense with reading of board minutes of July 22, 2015.

MR. SHELTON:

I make a motion to approve and dispense the reading of the board minutes for July 22, 2015.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor

signify by saying "aye".

VOTE

MS. MURRAY:

Jimmy, hold on just minute. This is not recording. (pause)

CHAIRMAN HUCKABY:

Start over, Barbara?

MS. MURRAY:

Sure.

CHAIRMAN HUCKABY resumes:

Let's call to order this meeting of the Bossier City Municipal Fire Police Civil Service Board. First item on the agenda is approval of agenda for September 16, 2015.

MR. SHELTON:

I'd like to make a motion to approve the agenda for September 16, 2015,

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Approve and dispose

with reading of board minutes of July 22, 2015.

MR. SHELTON:

I make a motion to approve and dispense with the reading of the board minutes of July 22, 2015.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye"

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Old business, police department. Approval of examine results for police captain.

MR. SHELTON:

I make a motion to approve the exam results for police captain.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor and there is a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Approval of exam

results for police communications officer.

MR. SHELTON:

I make a motion to approve exam results for police communications officer.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Number 3, approval of applications for Jailer 1 exam sch -- Jailer 1 exam scheduled for September 30, 2015.

MR. SHELTON:

I make a motion to approve application for Jailer 1 exam scheduled for September 30, 2015.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Fire department,

approval of exam results for Supervisor of Emergency Medical Services.

MR. SHELTON:

I make a motion to approve the exam results for Supervisor of Emergency Medical Services.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor to second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. New business, police department. Approval of personnel action forms.

MR. SHELTON:

I make a motion to approve the personnel action forms.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Approval of

applicants requesting their test results for police officer be reported to this jurisdiction.

MR. SHELTON:

I make a motion to approve the applicants reporting their test results for police officer be reported to this jurisdiction.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Number three, approval of applicants requesting their test results for police communications officer be reported to this jurisdiction.

MS. MURRAY:

We have no applications for that position, Mr. Chairman.

CHAIRMAN HUCKABY:

Fire Department. Number one, approval of personnel action forms.

MR. SHELTON:

I make a motion to approve the personnel action

forms.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Number two, approval of applicants requesting their test results for firefighter be reported to this jurisdiction.

MR. SHELTON:

I make a motion we approve the applicants requesting their test results for firefighter be reported to this jurisdiction.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on the floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Number three, approval of applicants requesting their test results for Fire Communications Officer be reported to this

jurisdiction.

MS. MURRAY:

We have no applications for that position.

CHAIRMAN HUCKABY:

Okay. Number four, letter from Chief Zagone dated August 25, 2015 requesting the Board advertise for Fire Communication Supervisor, advertise October 1, 2015 through November 2, 2015.

MR. SHELTON:

I make a motion that the Board advertise Fire Communization Supervisor, advertise October 1, 2015 through November 2, 2015.

MR. BRIDGES:

Second.

CHAIRMAN HUCKABY:

Motion on floor with a second. All in favor signify by saying "aye".

VOTE

CHAIRMAN HUCKABY:

Any opposed? Motion carried. Any other business before the appeal hearing? Okay. If you're ready, the appeal hearing -- the 2011 -- '12 termination of former police officer Larry Hawkins versus the City of Bossier City remanded to the Bossier City Service Board on the -- by the 26th Judicial District.

MR. CAMPBELL:

Before we start the hearing, first for the record and for the information of the court reporter. Under Rule 8, Section 1 of our local rule, any transcript provided in this matter, the original -- first original copy of that transcript will be provided to this Board and will be made part of the Board's permanent record.

MR. LOWE:

We've got the same binders that we tried to pass out the first time we were here for this version of the rehearing. I'm not sure -- I don't have one for you, I'm sorry.

MS. MURRAY:

Okay.

MR. LOWE:

All it is is the Board's original decision, the transcripts and all of the exhibits that have been introduced thus far. Is there any desire from the Board to have, I guess for lack of a better word, just a brief opening from each side to kind of explain where we are procedurally and what each side's opinion is and what we're supposed to do here today.

MR. CHANDLER:

I'm new, so I'd like to kind of hear

something.

MR. CAMPBELL:

All right. I think before we do that each Board member has been given a copy of the transcript of the prior hearing and all the policies have been -- then had the opportunity to review those. I think for the record they should all state that they have had the opportunity to do that and have done so. So you want to poll them --

MR. LOWE:

Okay.

CHAIRMAN HUCKABY:

Have you had the chance to read --

MR. CHANDLER:

Yes, I've read this several times.

CHAIRMAN HUCKABY:

That's Mr. Chandler.

MR. CAMPBELL:

Mr. Schwartz?

MR. SCHWARTZ:

I have.

MR. CAMPBELL:

Yes.

CHAIRMAN HUCKABY:

Jason?

MR. SHELTON:

I have.

MR. BRIDGES:

I have.

CHAIRMAN HUCKABY:

All five members have acknowledged for the record they have had an opportunity to review the prior transcript and have read and reviewed those documents.

MS. BREEDLOVE:

There is one issue, Mr. Chairman, before we get started. My client has brought to me -- to my attention and I think it's a quick question issue whether or not, Mr. Chairman, you are qualified to sit on this board. It is my understanding you currently live in Texas and have for some time. And, it states in the Civil Service statute requiring you to live in the City of Bossier.

CHAIRMAN HUCKABY:

Ma'am, I believe your client has some bad information.

MS. BREEDLOVE:

Uh-huh?

CHAIRMAN HUCKABY:

I have a home in Texas.

MS. BREEDLOVE:

Uh-huh.

CHAIRMAN HUCKABY:

I have a home here, 227 Evangeline Walk. I've lived in Bossier City all of my life. File my tax returns here. My business is here. All my license commissions are registered as State of Louisiana. So, I don't know what to tell you, other than he got some bad information.

MS. BREEDLOVE:

So, are you still registered to vote in the State of Louisiana?

CHAIRMAN HUCKABY:

Yes, ma'am, in Bossier Parish for 61 -- well, 61 years old.

MS. BREEDLOVE:

All right. Thank you.

CHAIRMAN HUCKABY:

Sorry about that.

MS. BREEDLOVE:

All right.

CHAIRMAN HUCKABY:

Good try.

MS. BREEDLOVE:

You want me to go first?

MR. LOWE:

Doesn't matter to me, it's y'all's hearing.

MS. BREEDLOVE:

I am Pam Breedlove. I know some of you. I don't know all of you. I represent Mr. Hawkins here. This is our third time to come back here. Mr. Hawkins was terminated when he -- in his opinion was unjustifiably, because of multi reasons. One, the violation of Policeman's Bill of Rights because things were not done appropriately. If you read the transcript you will see what was not done. He was never -- during his interview he was never told that he was the person under investigation. He wasn't told -- read his bill of rights. That he wasn't told he had the right to have an attorney. There were lots of things that were done wrong with that. Which was to an error admitted at the hearing last time. He also, the termination was done in violation of the Bossier City ordinance where it's required the Chief give him 15 days notice before it happened. Multiple levels of changes. You will also note that we have argued before the Supreme Court -- well, not the Supreme Court, but the District Court and Second Circuit and back here again about things that

happened during the pre-disciplinary hearing and the changes that were made to what at least one member recommended being done. The last Board voted four to one. What -- and, the real issue is that this disproportionate discipline. There was -- at the place where this vehicle was left, there was not a no parking sign. It was not a high -- public highway, it was a city street. Sergeant Ben England had seen it. Saw probably the driver, didn't bother to stop. Just called somebody else. He got a letter of reprimand. He has since been terminated from this department, it's my understanding. But, my client got terminated. Nobody was hurt from this. Nobody complained about this vehicle. He had called his supervisor and thought his supervisor understood what he was saying. His supervisor admitted to this Board last time that he told him he could leave the vehicle there and then he gets terminated for it. That is and that this department has never terminated or disciplined anybody ever for failure to comply with towing a vehicle. Whether it be on the side of the road or after DWI, anything. They have never been -- they've never been disciplined and my client gets terminated. And, that is totally

disproportionate. Particularly, when you have two officers, Sergeant England and my client, same issue. My client actually tried to find this guy, went looking for him and went and called. Looked him up -- looked up the owner and tried to contact him and then called the supervisor. And yet, -- yet here he is terminated. And so, the last time we were here -- the first time we were here there was not a separate vote. There was just a vote to affirm that the Chief did when the law requires. That you find that the Chief was in good faith and calls for disciplining, finding he violated those rules and that the discipline was done in good faith. And, the discipline part -- well, probably quite frankly it a quest -- my client questions whether he should even have been disciplined at all. But certainly, the discipline imposed was not in good faith or for cause when -- because it was so drastically disproportionate to what was done to Sergeant England and particularly when this department has never done any kind of discipline for violation of the towing statute. And, particularly when there was truly no risk, because there was no accident or near accident, nobody even complains about the vehicle. My client tried to

give a ninety something -- an old, old black man an opportunity to come and get his car because he had a flat tire.

MR. LOWE:

I'll be brief. My name is Michael Lowe. I'm with the law firm of Kean Miller. We've been handling this matter on behalf of the appointed authority since it has been on appeal and back and on appeal and back again. Factually, we obviously disagree with a lot of what Ms. Breedlove just said. Four officers saw this car on the side of the road. Everybody but Officer Hawkins agreed almost instantly that it posed a hazard and it needed to be towed. That evidence, I believe, it has not been contradicted. This idea that nobody else has been disciplined for violating the towing policy is a little bit of a misstatement. The Chief testified during the original appeal hearing that he's not aware that anyone has ever been brought up on charges for failing to violate the towing policy. That's why you don't have evidence of people being disciplined for violating this policy, because it's such a basic rule that everybody follows it. Just like the other officers who saw this car, they immediately realized that it

posed a hazard and they towed the car. Nobody got hurt, nobody got in a wreck because of this car, thankfully. Because initially an officer got out there and did what was supposed to be done. Got it out of the middle of the roadway so that didn't happen. What I think is important is just to make sure everybody understands how we got back here procedurally. We had the original hearing, the Board voted four to one to uphold the termination. They found the appointing authority acted in good faith and has just cause for the discipline that was imposed. I disagree with Ms. Breedlove that this Board was required to hold multiple votes on anything. That is the standard by which employee discipline is evaluated under the current state of the law. Did the appointing authority act in good faith and did they have just cause for the termination. This Board decided yes, that the Chief did in fact satisfy that standard. Because Officer Hawkins' behavior impaired the efficient orderly operation of the department. Another issue that has been raised is this idea that it was some how not proportionate. The Chief already testified that he looked at Officer Hawkins discipline history when making this decision. The man has

twenty complaints against him for dereliction of duty. Eight of those have been -- I'm sorry. They're not all for dereliction of duty. Twenty complaints, I believe 12 are for dereliction of duty. Eight of which have been sustained. He's been on thirty day suspension twice for dereliction of duty. Six months before this incident another dereliction of duty. We demoted him in the hopes that was going to change his behavior. It didn't. And, we finally get to this point as the Chief testified, it's in the original transcript. At some point the department has a right to stop accepting dereliction of duty from an officer and terminate his employment. So the idea it was disproportionate I don't think flies. What happened is this Board, affirmed the termination, Officer Hawkins appealed it to the 26th JDC. Judge Cox on the first hearing decided that he wanted to remand it because he wanted the Board to clearly state why it voted the way that it had voted. Which they did. We came back -- he also said that Ms. Breedlove could put on additional evidence if she wanted to. We came back here, had a brief hearing. Ms. Breedlove and Officer Hawkins were allowed to introduce new evidence. They introduced

discipline documents of Officer England. Those are part of the record. They're in the binders that you have. Officer Hawkins introduced that into evidence and that each of the Board members that participated in the original vote to affirm the discipline, read onto the record why they voted the way they did. We -- the Board then voted unanimously to affirm the prior decision, which affirmed the termination. Another appeal was taken to the 26th JDC without having a hearing, Judge Cox affirmed the Board's decision. He said okay, you've got -- you've got your second bite of the apple. The Board still thinks that the termination was warranted, it's affirmed. They appealed it to the Second Circuit Court of Appeal. The Second -- and made the argument that they were not allowed to present new evidence when we came back here for what I'm calling the first rehearing. We obviously disagreed with that. The problem that the Second Circuit had is that we didn't have a transcript from that second rehearing because Mr. Hawkins didn't secure a court reporter and neither did the City. And so, the Board -- the Second Circuit sent it back to Judge Cox and said we needed to determine whether or not there is any argument

about whether new evidence was allowed to be introduced. Again, that evidence is part of the record, it's part of the record on appeal. But, Judge Cox said I'm going to send it back for another rehearing because I want to make sure that my order was complied with and that Officer Hawkins got the opportunity to present the evidence that he wanted to present during the first rehearing and his order says that. And, his order makes it clear that the parties may offer evidence not previously admitted today and may call witnesses to testify. Except that no witness shall be required to testify or be cross-examined with regard to matters to which he or she has already testified or been cross-examined. The transcript of the Board's September 21, 2011 hearing shall be admissible and should be reviewed by any new board member. And so, it's my understanding that we just confirmed that that has taken place. And so, one of the main reasons I wanted the opportunity to just have a preliminary statement is to make it clear we're not here to rehear this case. The Board has already had a full day long evidentiary hearing. It's already reconsidered it once and affirmed it. What we're here for is to see if there is -- if there

truly is something that Officer Hawkins claims he's been denied the right to either present or argue that is new, he gets the opportunity to try and do that here today. But, we'll obviously object to any effort to rehash any arguments or evidence that have already been considered and ruled upon by this Board. Thank you.

CHAIRMAN HUCKABY:

Ms. Breedlove do you have any witnesses to call?

MS. BREEDLOVE:

We would call Lieutenant Randy Rufty.

CHAIRMAN HUCKABY:

Please face the Clerk and be sworn.

MS. MURPHY:

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

MR. RUFTY:

I do.

DIRECT EXAMINATION BY

MS. BREEDLOVE:

Q Lieutenant Rufty, could you state your name and position with the Bossier Police Department, please?

A I am Randy Rufty. I am a captain with the Bossier City

Police Department.
Q Sorry?
A Currently captain.
Q Were you a lieutenant back in 2011? Is that correct?
A That's correct.
Q And, did you serve upon administrative, previous plan or review board or regarding Mr. Hawkins?
A I did.
Q I'm going to show you a document that is contained in Exhibit 9.

MS. BREEDLOVE:

It's a document that was signed by Mr. Rufty.

MR. LOWE:

That's Hawkins Exhibit 9?

MS. BREEDLOVE:

Yes, it's Hawkins Exhibit 9. No, actually its C-9.

Q Captain Rufty, you recognize that copy?
A I do.
Q Is that your signature on that document?
A It is.
Q Originally, it was read -- written on there 90 days suspension. Is that correct?
A Correct.
Q That was right -- that was your determination?

A That was my first determination. Yes, ma'am.
Q Were you instructed to change your determination?
A No, ma'am.
Q Why did you change your determination?
A After discussing it with the other board members -- some of the testimony and stuff, I felt that I erred in putting that down. So, I scratched it out and asked if I could put it on a different form and they said no, I had to use the original form. And so then I put down -- scratched that out and put termination and then it was initialed by myself.
Q When y'all voted that morning or afternoon, I forget, it's been a while now. Were each one of you giving the same sheet paper like you got there?
A I assume it's the same sheet; I didn't see everybody else's sheet of paper. So I assume it's the same form.
Q Did y'all talk before you voted the first time?
A I really can't remember. I think we did a little bit. We just discussed just general stuff.
Q And then at that time did everybody sit down and write what they thought?
A Yes, ma'am.
Q After all of you recorded your recommendations, are you aware that four of the other members had voted differently from you.

A No, ma'am.
Q So you weren't aware that the other four had recommended termination?
A No, ma'am. We're not -- we're not told what the other members voted.
Q Had you turned -- had everybody turned in their paperwork before you changed your mind?
A I don't recall.
Q Isn't it true that Deputy Chief Worley was pressuring you and the other officers to terminate Mr. Hawkins?
A That's incorrect.
Q Was it true that Deputy -- Chief Chapman was pressuring people to terminate Mr. Hawkins?
A That's incorrect.
Q Did you hear then Chief Chapman instruct Officer Cisco what to write on his form?
A I did not.
Q Did you see him talking to Officer Cisco during this meeting?
A I don't recall if he did or did not.
Q Captain, how long have you been on the police department?
A Thirty-two and a half years.
Q How long did you participate in the Disciplinary Board matters? How many times have you done that?

A Probably half a dozen.
Q To your knowledge, in the 32 years you've been on the department has anybody ever been disciplined for not towing a vehicle?
A I -- I don't have an answer -- I don't have an answer for that. I don't know. I have not followed everybody's discipline through my career for what they were disciplined for.
Q But you're not aware of anybody having been disciplined for that other than Officer Hawkins, correct?
A I'm not aware of. That is correct.

MS. BREEDLOVE:

That's all the questions I have.

CROSS-EXAMINATION

BY MR. LOWE:

Q I just have one question for you, sir. You were just questioned about other officer's discipline. Do you recall that?
A Yes, ma'am -- yes, sir.
Q I believe your testimony was you don't follow other officer's discipline. Is that correct?
A That is correct.
Q And so, as we sit here today, can you offer any real opinion on who has been disciplined, for what in the department.

A No, sir.

MR. LOWE:

No other questions.

MR. CAMPBELL:

All right. At this time, any of the Board members have any questions for the witness they may --

MR. BRIDGES:

I have none.

MR. SHELTON:

I have none.

MR. CHANDLER:

None.

CHAIRMAN HUCKABY:

May this witness be excused?

MR. LOWE:

As far as we're concerned; yes, sir.

MS. BREEDLOVE:

Yes, sir.

CHAIRMAN HUCKABY:

Captain Rufty, you're free to go. Thank you very much for being here. Call your next witness.

MS. BREEDLOVE:

Ms. Barbara, do you know whether been serving Sergeant Eng -- former Sergeant England or Mr.

Cisco was served?

MS. MURPHY:

Nobody was served. Officer Bridges tried to make service on those two.

MS. BREEDLOVE:

As we are -- not that I have talked to my client -- as we're not -- as those witnesses are not here to call to testify and the Board had assured us that they've reviewed the transcript from the first hearing and we're not allowed to ask certain issues, particularly directed to the Policeman's Bill of Rights, then that would be all the testimony we will be offering.

CHAIRMAN HUCKABY:

Mr. Lowe?

MR. LOWE:

We have nothing, sir.

MR. CAMPBELL:

Any argument?

MR. LOWE:

None unless the Board has any particular questions that they would like answered. I think this matter has been pretty well briefed and flushed out during the various hearings. But, if there is any questions or issues you would like us

to address, we're certainly willing to do so.

CHAIRMAN HUCKABY:

Any of the Board members have any questions to direct to either attorney?

MR. CAMPBELL:

None.

MR. CHANDLER:

None.

CHAIRMAN HUCKABY:

You're willing to submit Ms. Breedlove?

MS. BREEDLOVE:

Yes, sir.

CHAIRMAN HUCKABY:

Mr. Lowe, are you willing to submit?

MR. LOWE:

Yes, sir.

CHAIRMAN HUCKABY:

That has now been submitted to the Board for its decision.

MR. LOWE:

Okay.

MR. CHANDLER:

Need a motion and a second?

MR. CAMPBELL:

Need a motion to either affirm the decision of

the appointing authority or to reverse the decision of the appointing authority and to impose what you feel may be appropriate in this matter. But first, we need the motion to do one or the other.

MS. BREEDLOVE:

Mr. Campbell -- it's just by mandate, they have the -- this Board has the authority to affirm, reverse or modify.

MR. CAMPBELL:

Right.

MS. BREEDLOVE:

So if the Board chose, it could either affirm the termination of my client, reverse it in the court and reinstate it or modify it to a lesser included discipline.

MR. CAMPBELL:

I believe that's what I said.

MS. BREEDLOVE:

I didn't hear you say the modify part, Mr. Campbell.

MR. CAMPBELL:

Well, I didn't say modify, but I said they had the right --

MR. LOWE:

And to --

MR. CAMPBELL:
-- to invoke whatever sanctions they felt appropriate. Which in fact is modified.
MR. LOWE:
And to the extent it's not clear, the City obviously -- the appointing authority obviously requests that the discipline be affirmed and that the Board's original decision being affirmed.
CHAIRMAN HUCKABY:
The only question I have is something in there about -- I read in the statement from the Board.
MR. BRIDGES:
Do we have to write one ourselves or --
MR. CAMPBELL:
No. What happens at the conclusion -- that's a question directed by Officer Bridges who is a new member of the Board. I believe this is your first hearing that you've been involved in. What happens is after the decision is concluded the secretary will then prepare a written finding and fact to be signed by the Board based upon your finding fact. So, if you want to you can pay for the record to read it further. Making that, I mean, we've previously did that with the prior Board. Because that's what Judge Cox had requested that they give

reason. Although, members appeared and stated for the record their reasons for their decision. But generally, and just by appearing after the hearing is concluded that the secretary prepares a find and fact that's then signed by the Chairman and the Board members according to the court.

CHAIRMAN HUCKABY:

Any other questions? Do I have a motion?

MR. BRIDGES:

I make a motion to affirm the decision of the Board.

MR. SHELTON:

Second.

MR. CAMPBELL:

There is a motion on the floor and a second. All in favor signify by saying "aye".

VOTE

MR. CAMPBELL:

Any opposed? Unanimous.

MR. LOWE:

Thank you, sir.

MS. MURRAY:

We need a motion to adjourn.

MR. SHELTON:

I make a motion we adjourn. Motion to

adjourn.

CHAIRMAN HUCKABY:

Yeah, we have a motion to adjourn.

MR. SHELTON:

Motion to adjourn.

MR. BRIDGES:

Second.

REPORTER'S NOTE:

HEARING ADJOURNED AT 9:39 A.M.

STATE OF LOUISIANA

PARISH OF RICHLAND

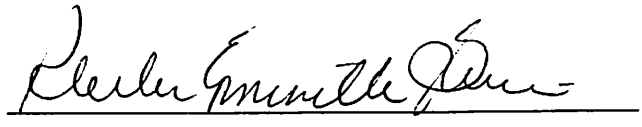
CERTIFICATE

This certification is valid only for a transcript accompanied by my seal stamped in blue ink.

I, RHEBA EPPINETTE GWIN, Certified Court Reporter in and for the State of Louisiana, as the officer before whom these proceedings were conducted, do hereby certify that the above and foregoing 35 pages of typewritten matter constitute a true and correct copy of the proceedings held at Bossier City Municipal Complex, 620 Benton Road, Bossier City, Louisiana 71171 on the 16th day of September 2015, commencing at 9:05 a.m. and recessed at 9:35 a.m.; that this testimony was reported by me in the stenomask reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services; that I have acted in compliance with the prohibition on contractual

relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I have no actual knowledge of any prohibited employment or contractual relationship, direct or indirect, between a court reporting firm and any party litigant in this matter nor is there any such relationship between myself and a party litigant in this matter. I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

This 27th day of October 2015, at Archibald, Louisiana.



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