



ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN AT LARGE, DIVISION B

P.O. BOX 302 • HAHNVILLE, LOUISIANA 70057

(985) 783-5000 • Fax: (985) 783-2067

www.stcharlesparish-la.gov

March 22, 2019

Honorable Joel T. Chaisson, II
St. Charles Parish District Attorney
P. O. Box 680
Hahnville, LA 70057-0680

Honorable Greg Champagne
St. Charles Parish Sheriff
P.O. Box 426
Hahnville, LA 70057

Re: Misuse of Public Equipment on Private Property
SCSO item# G-00039-18.

Dear Honorable Chaisson and Champagne:

Subsequent to the attached email (Attachment 1) that was received in which Captain Donnie Smith noted: "District Attorney Joel Chaisson II advised that after careful review of the investigative file he finds no criminal intent, therefore; his office would decline to prosecute and refuse any charges brought against the individuals involved. District Attorney Joel Chaisson also added that it was his understanding that this matter has also been referred to St. Charles Parish officials, which he believes is the appropriate agency to deal with this particular matter and its policies and procedure for employees going forward", I forwarded the attached letter with its attachments (Attachment 2) to Parish President Larry Cochran regarding this matter. No response has ever been received.

This matter was subsequently placed on the Council agenda for discussion at the March 11, 2019, Council meeting. At the meeting, there was no discussion on Special Matters 2019-0072 following Legal Advisor Robert Raymond stating the following: "the administration uh upon being made aware of this issue actually referred the matter to the District Attorney for review and it is currently under review, right now, as we speak and as such and I would advise that this Council not take any action". This is after the Sheriff's

March 22, 2019


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Department had already investigated the matter and the District Attorney's office had already reviewed the matter and determined that there was no criminal intent.

I, therefore; placed a Public Records Request (PRR) via email for a copy of the referral and supporting documents. My intent was to learn of what Mr. Raymond had presented with his referral which was not already presented to the Sheriff's Department and to the District Attorney's office. I received an email dated March 19, 2019, which provided me with the response to the PRR. It advised that there were no referral documents. I questioned Mr. Raymond in an email on how the referral was made. Mr. Raymond advised via email that it was a verbal referral that was made to the District Attorney and to the Sheriff's Department.

Please advise the St. Charles Parish Council upon it being determined as to whether or not the information provided in the verbal referral results in the determination that there was criminal intent or if the previous finding of the District Attorney remains the same.

Sincerely,



PAUL J. HOGAN, PE
COUNCILMAN-AT-LARGE
DIVISION B

PJH/MI610:ag

Attachments

cc: Captain Donnie Smith, Chief of Investigations w/attachments

ATTACHMENT 1

From: Donald Smith <DSmith@StCharlesSheriff.org>
To: 'phinda9@aol.com' <phinda9@aol.com>
Subject: G-00039-18 (Paradis)
Date: Mon, Oct 1, 2018 5:08 pm

Paul,

In regards to the matter in Paradis, under SCSO item# G-00039-18. St. Charles Parish 29th Judicial District Attorney Joel Chaisson II advised that after careful review of the investigative file he finds no criminal intent, therefore his office would decline to prosecute and refuse any charges brought against the individuals involved. District Attorney Joel Chaisson also added that it was his understanding that this matter has also been referred to St. Charles Parish officials, which he believes is the appropriate agency to deal with this particular matter and its policies and procedure for employees going forward.

Donnie

Captain Donnie Smith

St. Charles Parish Sheriff's Office

Chief of Investigations

Special Response Team Commander

260 Judge Edward Dufresne Parkway

Luling, La 70070

985-783-1135 – Ext. 2416

985-783-1138 - Fax

985-783-2949 - Dispatch

Email - dsmith@stcharlessheriff.org



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MEMORANDUM

DATE: JANUARY 24, 2019

TO: MR. LARRY COCHRAN
PARISH PRESIDENT

FROM: PAUL J. HOGAN, PE 
COUNCILMAN-AT-LARGE, DIVISION B

RE: USE OF PUBLIC EQUIPMENT ON PRIVATE PROPERTY

On July 1, 2018, a Public Works Department manlift, having Parish Tag 00000010082 was used by Parish employee Mr. Mike Ford to cut a tree down to its trunk on the private property located at 404 Early Street in Paradis that is owned by his nephew, Mr. James Ford, Jr. I filed a complaint with the St. Charles Parish Sheriff's Office regarding this activity which violates the Louisiana Constitution and which Mr. Mike Ford was well aware was improper after having recently attended an ethics training class which discussed such prohibited activities. Incident No. G-00039-18 was assigned to the complaint by the responding officer. An incident Report was subsequently prepared by the officer noting what he was advised and witnessed. Detective Donnie Smith investigated the matter and presented his finding to District Attorney Joel T. Chaisson, II. In an e-mail dated October 1, 2018, Detective Smith advised the following:

"In regards to the matter in Paradis, under SCSO Item# G-00039-18. St. Charles Parish 29th Judicial District Attorney Joel Chaisson II advised that after careful review of the investigative file he finds no criminal intent, therefore his office would decline to prosecute and refuse any charges brought against the individuals involved. District Attorney Joel Chaisson also added that it was his understanding that this matter has also been referred to St. Charles Parish officials, which he believes is the appropriate agency to deal with this particular matter and its policies and procedure for employees going forward."

**JANUARY 24, 2019
PAGE 2**

Attached are documents and pictures relating to this abuse.

Please provide the Parish Council with a full report regarding this matter. In the report, please address at a minimum: when the machine was delivered for use, who delivered it, who authorized and approved it to be delivered and used on private property or was the machine just in the neighborhood for Parish purposes and it was commandeered by Mr. Mike Ford without any approval to do so, who was the African American individual who drove the machine from 404 Early Street to where it was parked for pick up on Scott Street, the penalty that has or that will be issued to all Parish employees who participated in any manner with respect to this abuse of public property for private gain, and the actions that have or that will be taken to prevent such abuse in the future.

Please provide written confirmation of your receipt of this letter and advise of the date by which you expect to provide the Council with the requested report.

PJH/MI:609ag


Attachments

**cc: Parish Council
Mr. Robert Raymond, Legal Services Director w/attachments
Mr. Billy Raymond, Chief Administrative Officer w/attachments
Mr. Clayton Fauchaux, Public Works/Wastewater Director
w/attachments
Honorable Jeff Landry, Louisiana Attorney General w/attachments
Honorable Joel T. Chaisson, II, District Attorney w/attachments
Ms. Anna Thibodeaux, Herald-Guide w/attachments
Mr. Nick Reimann, The Advocate w/attachments**



- Layers
- Identify
- Search
- Search History
- Clear
- Draw (beta)
- Buffer
- Measure
- Print
- Help

Parcels
401900J0002C

 Pictometry Street View
Assessment Number: 401900J0002C
Owner Name: FORD, JAMES TERRANCE, JR.
Owner Address: 404 EARLY ST.
Owner City/State/ZIP: PARADIS LA 70080-0000

Parcel Address:
Lot: 2C
Block: J
Subdivision: PARADIS, TOWN OF-LETTERED BLKS
Legal Description:
Acres: 0

- Print Info | [Details](#)
- Close
 - Export
 - Print Labels



406 406 Early St



TREE



JAMES FORD
404 EARLY ST.

© 2019 Google
© 2018 Google

Google

29°52'43.14" N 90°26'06.45" W elev 7 ft eye











PARISH OF ST. CHARLES



00000010082

8005

0300068964

2003

80

71

500

1000

45

36X72

36X96

XXXXX

XXXXX

12V

ON REVERSE SIDE OF THIS BOARD IS A LIST OF PARTS AND CIRCUIT BOARD IDENTIFICATION NUMBERS. REFER TO THE REVERSE SIDE OF THIS BOARD FOR THE LOCATION OF THE PARTS AND CIRCUIT BOARD IDENTIFICATION NUMBERS. THIS BOARD IS INTENDED FOR USE IN THE PARISH OF ST. CHARLES AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.

JEG INDUSTRIES, INC.
McDONNELL PARSIPPANY, PA 19333-9533 U.S.A.











St. Charles Parish Sheriff's Office



Incident No.: G-00039-18 **Investigating**
Type of Report: Complaint **Officer:** J. Alvarez
Date of Occurrence: 7/1/18 **District:** 149

After 7-10 days, the report(s) concerning this investigation may be obtained at the SCSO Records Division, third floor, Hahnville Courthouse, Hahnville, Louisiana.

Call Records at (985) 783-6237 between the hours of 8:30 a.m. - 4:00 p.m., Monday through Friday, except holidays, to ascertain if your report has been received by this office.

All reports are subject to a fee. Contents of the reports will not be released over the phone.

Victims of Crime may be eligible for certain rights and receive protection under Louisiana law. To determine eligibility, call the SCSO Criminal Victims Assistance Division at (985) 783-6230.

Please fill out a brief survey at www.stcharlessheriff.org/343/Public-Survey

**ST. CHARLES PARISH SHERIFF'S OFFICE
INCIDENT REPORT**

ARCHIVED

Printed by: BS1854 10/02/2018 13:40 Page 1 of 3

LA0450000 Signal 21 Rep Area 1525 Item # G-00039-1B Report Type INITIAL Date 01-JUL-2018 Time 1340

Day of Wk. Begin Date Begin Time End Date End Time Location of Offense
SUN 01-JUL-2018 1340 HWY 90 AND SCOTT LN DES ALLEMANDS 70030

Reporting Officer: JOSE ALVARENGA
Responding Detective: PR: 949 BP: 110D
Supervisor: PR: BP:
Arrived: 011349 Notified:
Completed: 011412 Arrived:

G-00039-1B

UCR

REPORTING PERSON

Name: PAUL HOGAN Race: WHITE Sex: MALE
DOB: Age: Employer/School: ST CHARLES PARISH GOVERNMENT
Address: 222 DOWN THE BAYOU RD Address:
City/SV/Zip: DES ALLEMANDS, LA 70030 City/SV/Zip:
Social Security # Drivers Lic # D.L. State Home Phone: (985) 308-0085
Work Phone:
Identify Suspect? Voluntary Statement? YES Cell Phone: (504) 615-4862

VICTIM

Victim Sequence Number: 1 Type: OTHER For Insurance Purposes?
Name:
Address:
City/SV/Zip:
Social Security # Drivers Lic # D.L. State Home Phone:
Work Phone:
Cell Phone: ()--

OFFENSE

Offense Sequence Number: 1 Victim: 1 Suspect: 1
R.S. Number: SIG 21 Title: MISC. COMPLAINT
Attempted/Completed: COMPLETED Location Type: OTHER/UNKNOWN Number of Premises:
Criminal Activity 1: OTHER Weapon/Force Type 1: NONE

SUSPECT

None

ADDITIONAL WITNESS

PROPERTY

Property Owner or Property recvd from: W 1 Desc. Code: 77 OTHER
Loss Type: 1 NONE Quantity: 1 Value: \$1 Insured:
Owner-applied Number: Make:
Model: Serial Number:
Description: DIGITAL PHOTOGRAPHS Date Recovered: 01-JUL-2018
Recovery Address: MULTIPLE City/SV/Zip: DES ALLEMANDS, LA 70030

**ST. CHARLES PARISH SHERIFF'S OFFICE
INCIDENT REPORT**

ARCHIVED

Printed by: BS1854

10/02/2018 13:40

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NARRATIVE

Time Stamp: 07/01/2018 15:36

Written By: JOSE ALVARENGA

ON 07/01/2018 AT APPROXIMATELY 1340 HOURS, SGT. JOSE A. ALVARENGA, RESPONDED TO A COMPLAINT IN REFERENCE TO PARISH EQUIPMENT BEING USED ON PRIVATE PROPERTY. THE COMPLAINANT, MR. PAUL HOGAN REQUESTED TO MEET AT THE CORNER OF HWY 90 AND SCOTT LANE IN DES ALLEMANDS.

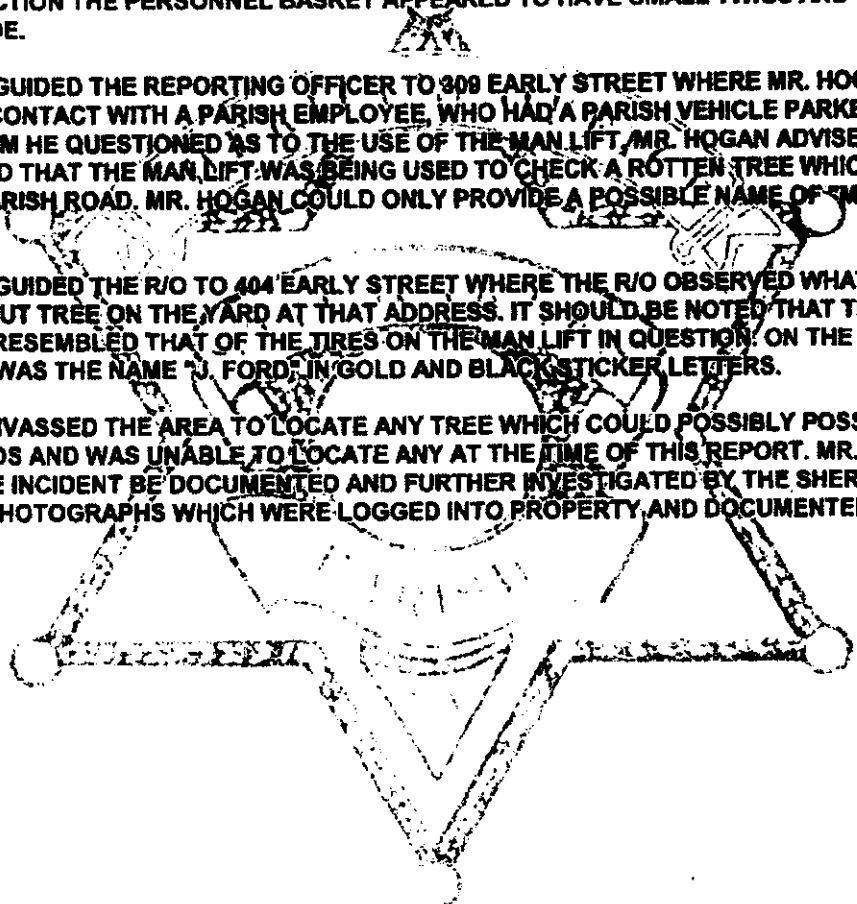
UPON ARRIVAL THE R/O MET WITH MR. HOGAN WHO ADVISED THAT HE RECEIVED INFORMATION FROM AN ANONYMOUS SOURCE STATING THAT THEY OBSERVED A PARISH VEHICLE BEING UTILIZED TO CUT DOWN A TREE ON PRIVATE PROPERTY. MR. HOGAN POINTED OUT THE VEHICLE, DESCRIBED AS A MAN LIFT, WHICH WAS NOW PARKED AT THE ABOVE LOCATION. THE VEHICLE HAD CLEAR MARKINGS BELONGING TO THE ST. CHARLES PARISH PUBLIC WORKS WITH A PARISH TAG (TAG CODE #10082). UPON FURTHER INSPECTION THE PERSONNEL BASKET APPEARED TO HAVE SMALL TWIGS AND TREE PARTICLES INSIDE.

MR. HOGAN GUIDED THE REPORTING OFFICER TO 309 EARLY STREET WHERE MR. HOGAN REPORTED THAT HE MADE CONTACT WITH A PARISH EMPLOYEE, WHO HAD A PARISH VEHICLE PARKED ON HIS DRIVEWAY, WHOM HE QUESTIONED AS TO THE USE OF THE MAN LIFT, MR. HOGAN ADVISED THAT THE SUBJECT STATED THAT THE MAN LIFT WAS BEING USED TO CHECK A ROTTEN TREE WHICH COULD BE A HAZARD TO A PARISH ROAD. MR. HOGAN COULD ONLY PROVIDE A POSSIBLE NAME OF "MIKE FORD" ON THE SUBJECT.

MR. HOGAN GUIDED THE R/O TO 404 EARLY STREET WHERE THE R/O OBSERVED WHAT APPEARED TO BE A FRESHLY CUT TREE ON THE YARD AT THAT ADDRESS. IT SHOULD BE NOTED THAT TIRE MARKS ON THE DRIVEWAY RESEMBLED THAT OF THE TIRES ON THE MAN LIFT IN QUESTION. ON THE MAIL BOX TO THAT ADDRESS WAS THE NAME "J. FORD" IN GOLD AND BLACK STICKER LETTERS.

THE R/O CANVASSED THE AREA TO LOCATE ANY TREE WHICH COULD POSSIBLY POSSESS A HAZARD TO PARISH ROADS AND WAS UNABLE TO LOCATE ANY AT THE TIME OF THIS REPORT. MR. HOGAN REQUESTED THE INCIDENT BE DOCUMENTED AND FURTHER INVESTIGATED BY THE SHERIFF'S OFFICE. THE R/O TOOK PHOTOGRAPHS WHICH WERE LOGGED INTO PROPERTY, AND DOCUMENTED THE INCIDENT ACCORDINGLY.

C-00036-18



From: Donald Smith <DSmith@StCharlesSheriff.org>
To: 'phinda9@aol.com' <phinda9@aol.com>
Subject: G-00039-18 (Paradis)
Date: Mon, Oct 1, 2018 5:08 pm

Paul,

In regards to the matter in Paradis, under SCSO item# G-00039-18. St. Charles Parish 29th Judicial District Attorney Joel Chaisson II advised that after careful review of the investigative file he finds no criminal intent, therefore his office would decline to prosecute and refuse any charges brought against the individuals involved. District Attorney Joel Chaisson also added that it was his understanding that this matter has also been referred to St. Charles Parish officials, which he believes is the appropriate agency to deal with this particular matter and its policies and procedure for employees going forward.

Donnie

Captain Donnie Smith

St. Charles Parish Sheriff's Office

Chief of Investigations

Special Response Team Commander

260 Judge Edward Dufresne Parkway

Luling, La 70070

985-783-1135 – Ext. 2416

985-783-1138 - Fax

985-783-2949 - Dispatch

Email - dsmith@stcharlessheriff.org

CONST 7 14**§14. Donation, Loan, or Pledge of Public Credit**

Section 14.(A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Except as otherwise provided in this Section, neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

NOTE: Paragraph B eff. upon ratification of the const. amend. proposed by Acts 2018, No. 717.

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law; (4) the return of property, including mineral rights, to a former owner from whom the property had previously been expropriated, or purchased under threat of expropriation, when the legislature by law declares that the public and necessary purpose which originally supported the expropriation has ceased to exist and orders the return of the property to the former owner under such terms and conditions as specified by the legislature; (5) acquisition of stock by any institution of higher education in exchange for any intellectual property; (6) the donation of abandoned or blighted housing property by the governing authority of a municipality or a parish to a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization; (7) the deduction of any tax, interest, penalty, or other charges forming the basis of tax liens on blighted property so that they may be subordinated and waived in favor of any purchaser who is not a member of the immediate family of the blighted property owner or which is not any entity in which the owner has a substantial economic interest, but only in connection with a property renovation plan approved by an administrative hearing officer appointed by the parish or municipal government where the property is located; (8) the deduction of past due taxes, interest, and penalties in favor of an owner of a blighted property, but only when the owner sells the property at less than the appraised value to facilitate the blighted property renovation plan approved by the parish or municipal government and only after the renovation is completed such deduction being canceled, null and void, and to no effect in the event ownership of the property in the future reverts back to the owner or any member of his immediate family; (9) the donation by the state of asphalt which has been removed from state roads and highways to the governing authority of the parish or municipality where the asphalt was removed, or if not needed by such governing authority, then to any other parish or municipal governing authority, but only pursuant to a cooperative endeavor agreement between the state and the governing authority receiving the donated property; (10) the investment in stocks of a portion of the Rockefeller Wildlife Refuge Trust and Protection Fund, created under the provisions of R.S. 56:797, and the Russell Sage or Marsh Island Refuge Fund, created under the provisions of R.S. 56:798, such portion not to exceed thirty-five percent of each fund; (11) the investment in stocks of a portion of the state-funded permanently endowed funds of a public or private college or university, not to exceed thirty-five percent of the public funds endowed; (12) the investment in equities of a portion of the Medicaid Trust Fund for the Elderly created under the provisions of R.S. 46:2691 et seq., such portion not to exceed thirty-five percent of the fund; or (13) the investment of public funds to capitalize a state infrastructure bank to be utilized solely for transportation projects.

NOTE: Paragraph B eff. upon ratification of the const. amend. proposed by Acts 2018, No. 717.

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; (3) the pledge of public funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness to meet public obligations as provided by law; (4) the return of property, including mineral rights, to a former owner from whom the property had previously been expropriated, or purchased under threat of expropriation, when the legislature by law declares that the public and necessary purpose which originally supported the expropriation has ceased to exist and orders the return of the property to the former owner under such terms and conditions as specified by the legislature; (5) acquisition of stock by any institution of higher education in exchange for any intellectual property; (6) the donation of abandoned or blighted housing property by the governing authority of a municipality or a parish to a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization; (7) the deduction of any tax, interest, penalty, or other charges forming the basis of tax liens on blighted property so that they may be subordinated and waived in favor of any purchaser who is not a member of the immediate family of the blighted property owner or which is not any entity in which the owner has a substantial economic interest, but only in connection with a property renovation plan approved by an administrative hearing officer appointed by the parish or municipal government where the property is located; (8) the deduction of past due taxes, interest, and penalties in favor of an owner of a blighted property, but only when the owner sells the property at less than the appraised value to facilitate the blighted property renovation plan approved by the parish or municipal government and only after the renovation is completed such deduction being canceled, null and void, and to no effect in the event ownership of the property in the future reverts back to the owner or any member of his immediate family; (9) the donation by the state of asphalt which has been removed from state roads and highways to the governing authority of the parish or municipality where the asphalt was removed, or if not needed by such governing authority, then to any other parish or municipal governing authority, but only pursuant to a cooperative endeavor agreement between the state and the governing authority receiving the donated property; (10) the investment in stocks of a portion of the Rockefeller Wildlife Refuge Trust and Protection Fund, created under the provisions of R.S. 56:797, and the Russell Sage or Marsh Island Refuge Fund, created under the provisions of R.S. 56:798, such portion not to exceed thirty-five percent of each fund; (11) the investment in stocks of a portion of the state-funded permanently endowed funds of a public or private college or university, not to exceed thirty-five percent of the public funds endowed; (12) the investment in equities of a portion of the Medicaid Trust Fund for the Elderly created under the provisions of R.S. 46:2691 et seq., such portion not to exceed thirty-five percent of the fund; (13) the investment of public funds to capitalize a state infrastructure bank and the loan, pledge, or guarantee of public funds by a state infrastructure bank solely for transportation projects; or (14) pursuant to a written agreement, the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function the requesting political subdivision is authorized to exercise.

(C) Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual.

(D) Prior Obligations. Funds, credit, property, or things of value of the state or of a political subdivision heretofore loaned, pledged, dedicated, or granted by prior state law or authorized to be loaned, pledged, dedicated, or granted by the prior laws and constitution of this state shall so remain

for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless the authorization is revoked by law enacted by two-thirds of the elected members of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

(E) Surplus Property. Nothing in this Section shall prevent the donation or exchange of movable surplus property between or among political subdivisions whose functions include public safety.

Amended by Acts 1983, No. 729, §1, approved Oct. 22, 1983, eff. Nov. 23, 1983; Acts 1990, No. 1099, §1, approved Oct. 6, 1990, eff. Nov. 8, 1990; Acts 1995, No. 1320, §1, approved Oct. 21, 1995, eff. Nov. 23, 1995; Acts 1996, 1st Ex. Sess., No. 97, §1, approved Nov. 5, 1996, eff. Dec. 11, 1996; Acts 1998, No. 75, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998; Acts 1999, No. 1395, §1, approved Oct. 23, 1999, eff. Nov. 25, 1999; Acts 1999, No. 1396, §1, approved Oct. 23, 1999, eff. Nov. 25, 1999; Acts 1999, No. 1402, §1, approved Nov. 20, 1999, eff. Dec. 27, 1999; Acts 2006, No. 856, §1, approved Sept. 30, 2006, eff. Oct. 31, 2006; Acts 2006, No. 857, §1, approved Sept. 30, 2006, eff. Oct. 31, 2006; Acts 2015, No. 471, §1, approved Oct. 24, 2015, eff. Nov. 25, 2015; Acts 2018, No. 717.