

KIMBERLY HUNT	*	NO. 2026-CA-0261
VERSUS	*	COURT OF APPEAL
NEW ORLEANS POLICE	*	FOURTH CIRCUIT
DEPARTMENT	*	STATE OF LOUISIANA

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APPEAL FROM
CITY CIVIL SERVICE COMMISSION ORLEANS
NO. 9764
Honorable Jay Alan Ginsberg, Hearing Officer
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Judge Monique G. Morial
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(Court composed of Judge Rosemary Ledet, Judge Dale N. Atkins, Judge Monique G. Morial)

LEDET, J., DISSENTS IN PART WITH REASONS

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**AFFIRMED IN PART;
REVERSED IN PART
OCTOBER 20, 2026**

This is a civil service commission case. This appeal is from the Civil Service Commission's (Commission) decision to overturn the Appellant's— the New Orleans Police Department's, ("NOPD") charge of retaliation against Appellee, NOPD Officer, Kimberly Hunt, ("Sgt. Hunt") and reversing her 30-day suspension as not commensurate with the violation. The NOPD does not challenge the issuance of the letter of reprimand to Sgt. Hunt for lack of professionalism or the one-day suspension for verbal intimidation. For the foregoing reasons, we affirm the Commission's decision finding that Sgt. Hunt violated Rule 2-Verbal Intimidation and Rule 3- Professionalism. We reverse the Commission's decision as it relates to retaliation.

FACTS AND PROCEDURAL HISTORY

This matter concerns a recorded interview conducted by Sgt. Hunt during her investigation of pay[sic] details and a payroll fraud complaint against two NOPD Officers, Richard Chambers and Christopher Jennings. At the time of the interview, Sgt. Hunt had been an investigator with NOPD's Public Integrity

Bureau (PIB) for approximately twelve years. On April 1, 2024, she telephoned the complainant, Dr. Skip Gallagher, and began questioning him regarding his process for filing complaints against members of the NOPD. Dr. Gallagher had previously made several complaints to the NOPD concerning payroll fraud. He informed her that he usually received information from other officers that someone was cheating the system. Sgt. Hunt asked him to identify his source, but he refused to do so. However, he acknowledged that he received information from multiple NOPD employees.

Sgt. Hunt continued to query Dr. Gallagher about how he targeted the subjects of his complaints, and whether race or gender influenced him. Dr. Gallagher responded that he did not know any of the officers that he filed complaints against, did not know what they looked like, or their gender. He was most concerned with top earners as the subjects of his complaints. She then questioned if he believed NOPD officers should be restricted in the amount of money they earned. Dr. Gallagher responded that his primary concern was that the officers earned their pay honestly.

Throughout the course of the interview, Sgt. Hunt asked why Dr. Gallagher filed multiple complaints against the same officers, if he had any negative interactions with the officers he filed against, and repeatedly questioned his selection process for making complaints against members of the NOPD. Dr. Gallagher began to wonder if Sgt. Hunt was investigating him after she asked about the number of complaints he filed against the NOPD for payroll fraud. She

responded that he was not under investigation, but she was trying to ascertain if there was a pattern to his complaints. Shortly thereafter, she stated that the purpose of her questions was not to intimidate or offend him. He responded that she was doing both.

Sgt. Hunt apologized to Dr. Gallagher, but asked him what he sought to achieve by making allegations of payroll fraud. He responded that he was happy to answer questions specifically about Officers Chambers and Jennings, and would review their spreadsheets with her. Sgt. Hunt wondered about the type of discipline he expected the officers to receive to which he responded that he would like the behavior to stop. Toward the end of the interview, the sergeant asked Dr. Gallagher if he was trying to dismantle the NOPD by filing the complaints. He did not understand the point of her questions; she stated that she had no point, she was simply trying to get a response from him.

Dr. Gallagher again asked whether he was being investigated. Sgt. Hunt denied this and reiterated that she was trying to understand his motive for filing the complaints. The interview concluded shortly thereafter, and Dr. Gallagher asked her to provide Captain Banks a copy of the recorded conversation.

On April 5, 2024, Dr. Gallagher filed a formal complaint against Sgt. Hunt. The matter was assigned to the Professional Standards and Accountability Bureau ("PSAB"), and Sgt. Hunt was investigated for the following rule violations: 1) Violation 1-Rule 2 Moral Conduct-Verbal Intimidation; 2) Violation 2-Rule 3 Professional Conduct-Professionalism; and 3) Violation 3-Rule 3 Professional

Conduct-Retaliation.¹ Lieutenant Travis Brooks of PSAB investigated the complaint against Sgt. Hunt and recommended sustaining only the violation of Rule 3, Professional Conduct-Professionalism.

In August 2024, the then Deputy Superintendent of PSAB, Nicholas Gernon, reviewed Lieutenant Brooks' decision, and wrote a formal memorandum recommending the sustaining of all rule violations against Sgt. Hunt. On March 21, 2025, the Superintendent's Committee held a Pre-Disciplinary hearing and also recommended that all rule violations be sustained against Sgt. Hunt. For her violation of Rule 2-Verbal Intimidation, the panel recommended a one-day suspension; for the violation of Rule 3-Professional Conduct-Professionalism, the panel recommended a letter of reprimand; and lastly for the violation of Rule 3-Professsional Conduct-Retaliation, the panel recommended a thirty-day (30) suspension. By letter dated August 6, 2025, the Appointing Authority —NOPD— imposed discipline upon Sgt. Hunt and informed her of her appeal rights.

¹ Pursuant to a letter from Superintendent Anne E. Kirkpatrick to Sgt. Hunt dated August 6, 2025, Sgt. Hunt was accused of the following:

(Violation 1) Rule 2: Moral Conduct Paragraph 5, Verbal Intimidation: "An employee shall not use or direct unjustifiable verbal abuse, threats, or intimidation against any person."

(Violation 2) Rule 3: Professional Conduct, Paragraph 1 Professionalism: "Employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the New Orleans Police Department."

(Violation 3) Rule 3: Professional Conduct, Paragraph 12, Retaliation: "Retaliation for reporting misconduct or for cooperating with an investigation of misconduct is an egregious offense and shall be grounds for discipline, up to and including termination of employment."

On August 12, 2025, Sgt. Hunt filed an appeal with the Commission. The Commission held an evidentiary hearing on October 22, 2025. At the hearing, Sgt. Hunt stipulated that her conduct violated the rules governing professional conduct, but denied verbally intimidating or retaliating against Dr. Gallagher. On March 6, 2026, the Commission granted in part and denied in part Sgt. Hunt’s appeal. The Commission determined that the Appointing Authority—the NOPD—, carried its burden of proof for discipline against Sgt. Hunt as to professionalism and verbal intimidation, yet failed to meet its burden regarding retaliation finding that the 30-day suspension was not commensurate with the violation. On March 6, 2026, NOPD filed a notice of decision to appeal, and the instant appeal followed.

DISCUSSION

Standard of Review

Classified civil service employees, including NOPD officers, can only be subject to discipline for cause expressed in writing. *Burnette v. New Orleans Police Dep’t*, 23-0684, p. 3 (La. App. 4 Cir. 3/6/24), 385 So.3d 314, 318(citing La. Const. art. X, §8(A) and *Mykulak v. New Orleans Police Dep’t*, 22-0578, p. 6 (La. App. 4 Cir. 3/16/23), 359 So.3d 1028, 33-34). The burden of proof is on the appointing authority. La. Const. art. X, §8(A). In the appeal, the appointing authority shall prove 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.”

Clark v. Dep't of Police, 18-0399, p. 4 (La. App. 4 Cir. 10/10/18), 257 So.3d 744, 747.

The Commission is tasked with determining whether legal cause for the discipline has been established and whether the discipline is commensurate with the employee's conduct. *Honore' v. Dep't of Pub. Works*, 14-0986, pp. 8-9 (La. App. 4 Cir. 10/29/15), 178 So.3d 1120, 1127. Appellate courts review the Commission's factual findings under a manifest error standard of review. *Charles v. New Orleans Police Dep't*, 19-0115, p. 2 (La. App. 4 Cir. 6/19/19), 274 So.3d 914, 916, *writ denied*, 19-01144 (La. 10/8/19), 280 So.3d 589. Deference should be given to the Commission's factual findings unless clearly wrong. *Abbott v. New Orleans Dep't.*, 14-0993, p. 8 (La. App. 4 Cir. 2/11/15), 165 So.3d 191, 197. The Commission's decision should only be disturbed if it was "arbitrary, capricious or characterized by abuse of discretion." *Bannister v. Dep't of Streets*, 95-0404, p. 8 (La. 1/16/96), 666 So.2d 641, 647. The Commission's decision is considered arbitrary or capricious if there is no rational basis for the action taken. *Id.*

Assignments of Error

The NOPD asserts four assignments of error: 1) the Commission erred in failing to find that the NOPD's policy is intended to protect members of the public from retaliation; 2) the Commission erred in concluding that Sgt. Hunt was not subject to discipline for retaliating against Dr. Gallagher regarding his complaints about other NOPD officers; 3) the Commission erred in finding that Sgt. Hunt's conduct toward Mr. Gallagher did not constitute retaliation; and 4) the Commission's finding that Sgt. Hunt did not know that Dr. Gallagher filed a complaint against her was manifestly erroneous.

Assignments of error 1-3: Retaliation

The NOPD first argues that its policy expressly prohibits retaliation against members of the public. In her brief to this Court, Sgt. Hunt concedes that NOPD's retaliation rule applies to members of the public, but denies that the rule was applicable in this matter. Pursuant to Rule 3: Professional Conduct, Paragraph 12, of the New Orleans Police Department Manual, retaliation is defined as follows:

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because they have done one or more of the following:

1. Reported misconduct.
2. Filed a charge of discrimination or complaint,
3. Participated in an investigation,
4. Opposed a discriminatory practice, Exercised their rights, or
5. Performed their work-related duties.

Examples of retaliatory acts include but are not limited to threats; unsupported negative evaluation; withholding work-related information; giving punitive work assignments; denial of job benefits; giving demeaning or unnecessary job assignments; blocking advancement (e.g. promotion). **This list is not exhaustive.** (Emphasis added).

NOPD's Policy 26.3.3 regarding retaliation includes this definition and contains the following pertinent prohibitions:

4. This Department expressly prohibits all forms of retaliation, including discouragement, intimidation, coercion, or adverse action **against any person** who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. (Emphasis added).

[...]

6. Retaliation is an egregious offense that will not be tolerated. **Any employee who retaliated against another employee or member of the public** shall be subject to disciplinary action up to and including termination of employment. (Emphasis added).

The Commission determined that NOPD expanded and misconstrued the retaliation rule with respect to Sgt. Hunt. The Commission noted in its decision, "although the policy against retaliation may be construed to apply to Sgt. Hunt's

treatment of Dr. Gallagher, the NOPD's policies against retaliation are intended primarily to address workplace issues, not officers' interactions with members of the public." The Hearing Examiner's Report further stated:

The purpose of the retaliation rule is primarily to protect police officers from reprisal for reporting misconduct by fellow officers or for providing information against them during internal investigations. The rule's emphasis on the seriousness of the violation and the severity of the presumptive penalty reflects that narrow and specific concern.

We do not agree. The plain language of the NOPD's policy demonstrates that its application is not limited solely to NOPD officers. We note that the examples of retaliatory acts listed in the rule primarily reference work-place issues; however, the policy states that "[a]ny conduct reasonably deemed to be retaliatory, harassing or discriminatory also violates this Chapter." Accordingly, we find the Commission's determination that the retaliation policy only applies to fellow officers is manifestly erroneous.

The second and third assignments of error concern whether the Commission erred in finding that Sgt. Hunt did not engage in retaliation on behalf of other members of the NOPD. The crux of the NOPD's argument is that Sgt. Hunt engaged in retaliation against Dr. Gallagher because she treated him differently or intimidated him because of the complaints he filed against the department. The Hearing Examiner's Report, however, concluded that Sgt. Hunt had not engaged in retaliation against Dr. Gallagher because she took no adverse action against him, stating that "[r]etaliation under the rule is established by proof of a reprisal—namely, an adverse or punitive action taken in response to protected conduct." The Report also determined the following:

The record does not establish that the Appellant sought to punish, penalize, or otherwise take adverse action against the Complainant

because he filed a complaint. While the Appellant's conduct was unprofessional and verbally intimidating, reflecting poor judgment, reprisal necessarily implies an attempt to impose some form of detriment or consequence. Verbal intimidation, standing alone, does not constitute a reprisal; it involves inappropriate or aggressive speech, not the taking of adverse action.

We find that the Commission erred in making this determination. Neither the retaliation rule nor the policy requires Sgt. Hunt take an adverse action against Dr. Gallagher. According to its definition, merely treating Dr. Gallagher differently or intimidating him because he filed a complaint is sufficient to establish retaliation. While engaging in acts of reprisal is certainly an aspect of retaliation, we find that the Commission erred in limiting the scope of the definition to only punitive action.

As support for the retaliation charge, Superintendent Gernon noted that during the interview Sgt. Hunt repeatedly questioned Dr. Gallagher's motivation in filing the complaints, tried to elicit information about his sources, concentrated on the number of complaints he filed, and wondered if he made multiple allegations against the same employees. Superintendent Jonette Williams, a member of the disciplinary panel, testified that Sgt. Hunt's twenty-three years on the police force as well as her experience in PIB should have discouraged her line of questioning to the complainant. Although she stated that her intention was neither to offend or intimidate him, they determined that she continued to make him the focus of her inquiry instead of addressing the allegations of payroll fraud against Officers Chambers and Jennings. Moreover, Sgt. Hunt admitted that she failed to ask Dr. Gallagher any questions regarding the substance of the allegations in his complaint.

As a “paper case,” Superintendent Gernon deemed her line of questions as to the veracity of the complaint, or the complainant irrelevant. In a letter to the Chief of Police, he stated: “Sergeant Hunt is correct, ‘the investigation itself is just to determine whether the alleged offense occurred or not.’ Her line of questions as to Dr. Gallagher’s motives was not going to determine whether payroll fraud occurred. However, it would likely have a chilling effect on him or other complainants in the future.” Superintendent Williams agreed and testified “...you never want anyone to feel discouraged from filing a complaint. It doesn’t matter if someone files one complaint, 15 complaints, 200 complaints, it doesn’t matter.” Moreover, the NOPD policy on retaliation prohibits retaliation in the form of discouraging any person from filing misconduct complaints.

In a formal statement, Sgt. Hunt recognized that her questions during the recorded interview primarily concerned Dr. Gallagher’s ulterior motives for filing numerous complaints against members of the department even though she had previously investigated two payroll fraud allegations initiated by him that were later sustained. She also admitted at the Pre-Disciplinary hearing that in the twelve years that she worked for PIB that she had never asked similar questions of a complainant in a comparable investigation. While she took no adverse action against Dr. Gallagher, a thorough review of the NOPD’s rule and policy regarding retaliation supports the finding that Sgt. Hunt engaged in retaliation. She acknowledged her disparate treatment of him based on his history of filing complaints against several members of the police department. Thus, the Commission abused its discretion in failing to sustain the retaliation charge against her. These assignments of error have merit.

Assignment of error 4-the Commission's factual finding

NOPD lastly argues that the Commission's finding that it failed to carry its burden that Sgt. Hunt engaged in retaliation was manifestly erroneous because she "was unaware of any past complaints of payroll violations by Dr. Gallagher against her." The record, however, reflects the opposite. When asked whether she knew he had made a past allegation of payroll fraud, she responded: "I guess he did. I guess he made a complaint against me." In later testimony she stated: "[b]ut prior to this complaint—this is the only complaint that I'm aware that Skip Gallagher has ever made against me." During this cross-examination, she was presented with a transcript of her Pre-Disciplinary Hearing to refresh her recollection. She was then asked to read a previous statement regarding her awareness of Dr. Gallagher filing a payroll violation complaint against her prior to their recorded interview. The Hearing Examiner did not permit Sgt. Hunt to respond, but the following colloquy occurred:

THE HEARING EXAMINER: I can tell you, from her testimony, it sounded like she said, "Yes, I was aware that Dr. Gallagher filed a complaint against a number of people, that included myself, and that I was issued a counseling notice as a consequence of that." Is my understanding of what I heard correct, Sergeant?

THE WITNESS: I would agree with that.

Based on the above-cited testimony, Sgt. Hunt was aware Dr. Gallagher filed a previous payroll complaint against her at the time she conducted the interview. Thus, the Commission's factual finding to the contrary is manifestly erroneous. This assignment of error also has merit.

DECREE

For the foregoing reasons, we affirm the Commission's decision finding Sgt. Hunt in violation of Rule 2-Verbal Intimidation and Rule 3-Professionalism. We reverse the Commission's decision as it relates to retaliation, and reinstate Sgt. Hunt's thirty-day (30) suspension as commensurate with the violation.

**AFFIRMED IN PART;
REVERSED IN PART**