

Office of the Inspector General

City of New Orleans

Report of Administrative Investigation

**Allegation of Abuse of Authority by Wilton Joiner,
Taxicab Bureau, Department of Safety and Permits**

OIG-ID-11-0003-I

**E. R. Quatrevaux
Inspector General**

April 3, 2014

FINAL REPORT OF INVESTIGATION

11-0003-I

TITLE: Allegation of Abuse of Authority by Wilton Joiner, Taxicab Bureau, Department of Safety and Permits

DATE OF OCCURRENCE: Various

INVESTIGATED BY: Investigator Kristen Morales & Investigator Michael Centola

VIOLATIONS:

- CAO Policy Memo No. 83(R) - Standards of Behavior for City Employees
- Civil Service Rule 9.1.1. Maintain Standards of Service
- Taxicab Bureau work rules Rule 4, particularly 4.2.43 Abuse of Authority
- City Code Section 2-1120 (20) (a)

ACTION TAKEN: Referral for administrative action to First Deputy Mayor and Chief Administrative Officer (CAO) Andrew Kopplin. The OIG is also conducting a separate criminal joint investigation, with the New Orleans Police Department. The results of this investigation will be presented to the Orleans Parish District Attorney's Office.

This report concerns an allegation that Taxicab Bureau Senior Investigator Wilton Joiner abused his authority. After investigation, the OIG believes that Mr. Joiner is in violation of:

- (1) CAO Policy Memorandum Policy Memo No. 83(R) - Standards of Behavior for City Employees (**Exhibit 1**), in particular, Section II, *General Standards*, subsection (a):
 - *An employee shall have patience with the public and with fellow employees*
- (2) Civil Service Rule 9.1.1. Maintain Standards of Service (**Exhibit 2**):
 - *When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service:*

(3) Taxicab Bureau (TCB) command memorandum, "Work Rules" attached as (**Exhibit 3**), In particular, No. 4.1.1, Appropriate Action Required; No. 4.1.4 Conduct; No. 4.1.5 Obey the Law; 4.2.43 Abuse of Authority:

No. 4.1.1, Appropriate Action Required

- *Employees shall respond in an appropriate manner to all situations by:*
- *Being considerate of the rights, feelings, and interests of all persons.*
- *Taking action in each situation to provide the necessary and appropriate service and insuring the proper notification of supervisors when appropriate.*
- *Requesting the assistance of supervisors when the appropriate action required is unclear, not possible given circumstances, or not within the scope of authority of the employee of whom such action was requested.*
- *Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.*

4.1.4 Conduct

- *Employees shall not act in an official or private capacity in a manner that shall bring discredit upon the City or themselves.*

4.1.5 Obey the Law

- *Employees shall uphold the Constitutions of the United States and the State of Louisiana, obey all applicable federal, state, and local laws, and comply with all applicable court decisions and orders of the courts.*

4.2.43 Abuse of Authority

- *Employees shall not use their authority to abuse, harass, oppress, or persecute any person.*

(4) City Code Section 2-1120 (20)(a) concerning cooperation with the OIG:

- *It shall be the duty of every city officer, employee, department, agency, board, commission, and public benefit corporation; and the duty of every contractor, subcontractor and licensee of the city, and the duty of every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector general in any investigation. Any employee, appointed officer or elected official of the city who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement., in addition to any other penalty provided in the City Charter or ordinances.*

BASIS FOR INVESTIGATION

1. A request came from Andrew Kopplin, First Deputy Mayor and Chief Administrative Officer (CAO), which included a letter from attorney Tom Shlosman to the CAO. The letter from Shlosman stated, in part, "Numerous tour guide companies throughout the French Quarter have retained me to handle legal matters surrounding the systematic

threats, harassment and reprisals your investigators have subjected them to beginning on October 18, 2013. Let this letter be a formal request for you to immediately cease and desist this behavior." (**Exhibit 4**).

A complaint to the Office of Inspector General (OIG) from a tour guide operator, Luke Siddall, requesting a formal investigation into Wilton Joiner. Siddall alleged that Joiner was "intimidating" and "harassing" tour guides in the French Quarter. Siddall also stated that he personally observed Joiner wearing a firearm. Sidall also said he observed Joiner operating "police lights" in his city vehicle (**Exhibit 5**).

I. VIDEO FOOTAGE OF INCIDENT OF NOVEMBER 9, 2013

There was an incident on November 9, 2013, involving Wilton Joiner and tour guide operator Wendy Bosma outside the LaLaurie Mansion, 1140 Royal Street. Multiple cellular phones filmed the event; those videos were supplied to this office by Bosma and Sidney Smith, owner of Haunted History Tours; OIG Investigators reviewed the footage. Copies of the videos are maintained by the OIG and can be provided upon request. The following was noted in the OIG's review of those videos:

- Malachi Hull, Director of the Taxicab Bureau, was physically present and observed Joiner performing his duties. Hull instructed Joiner to "follow up."
- Joiner approached Bosma and requested her permit; she questioned his request.
- Joiner removed her permit from her purse without permission and walked away from Bosma with her permit in his hand.
- Joiner turned back around and asked her what tour company she was with; Bosma stated she was with Haunted History Tours.
- Bosma and Joiner separated and Joiner walked across the street.
- Bosma approached Joiner and took her permit back from him.
- Joiner grabbed both her arms and twisted one behind her back. Joiner pinned Bosma's body against the side of a parked vehicle and Bosma handed the permit to Joiner over her back.
- Joiner physically moved Bosma to the rear of the vehicle and shoved Bosma toward the sidewalk. Joiner then told Bosma that she "lost her permit."
- Joiner physically restrained Bosma in an attempt to retrieve the permit.

II. INTERVIEWS RE: INCIDENT OF NOVEMBER 9, 2013

• **Luke Siddall, Tour Guide Operator, French Quarter Phantom Tours**

Luke Siddall was interviewed by OIG Investigators November 15, 2013. Siddall stated that on November 9, 2013 he saw Joiner on the corner of Governor Nicholls, near the LaLaurie Mansion. At 9:35 p.m., Siddall led a tour down Governor Nicholls (away from Royal St. in the

direction of Chartres St.). As he approached the middle of the block, he witnessed Joiner physically restraining Bosma by having her bent over a car with her arm bent behind her back. Siddall said Bosma was yelling in pain and begging people standing by to "get him off me." She continued to scream in pain and shouted "get him off of me." Siddall said Bosma continued to be loud until police arrived. Siddall said he did not know what to do because he had previously seen Joiner with a gun holstered on his hip and he was afraid to intervene. Siddall said that he saw Malachi Hull, Director of the Taxi Cab Bureau, at the scene and was talking to the police. Siddall said he heard Hull tell the officer that Joiner does have the power to detain. (**Exhibit 6**)

- **Wendy Bosma, Tour Guide Operator, Haunted History Tours**

Wendy Bosma was interviewed by OIG Investigators on December 10, 2013. On November 9, 2013, Bosma went in for her shift at Haunted History Tours. In the vicinity of the LaLaurie Mansion, as Bosma approached the middle of the street, she heard a male voice tell her "I'm going to need to see your permit." Bosma responded "it's right here on my bag." She then showed Joiner her permit. Joiner then asked for her permit again and she said "no, you're not taking my license." Joiner responded "you can finish the tour, come back and see me when you're finished." Joiner then pointed out Malachi Hull, Deputy Director Safety and Permits, and said "that is my supervisor." Hull said "50 foot rule and ma'am give him your license." Joiner then took Bosma's permit "without permission" and Joiner walked away towards Hull who was across the street observing Joiner. Bosma said that she and the people on the tour started to "get upset." Bosma heard Hull tell Joiner, "don't say another word, call NOPD." When Joiner called 911, Bosma walked up to him and "took the permit from his hand" and "began to walk away."

Bosma stated that Joiner came up from behind her and "put both hands on her, one on her arm and one on her back." He then "threw" her on the trunk of a car. Bosma had the permit in her left hand and she was "wiggling and screaming." She was screaming "you fucking have no right to touch me, get off of me." Joiner then took the permit out of her hand. Bosma stated that all she could think about, while still on the hood of the trunk, was the "pain" she was in.

Joiner then "shoved" her between two cars, toward the sidewalk, and she ran behind her tour group. Bosma called her boss and told him "he just attacked me." New Orleans Police Department (NOPD) Officer Scallan was the first officer to report to the scene. (**Exhibit 7**)

- **David Whiddon, French Quarter resident**

David Whiddon was interviewed by OIG Investigators on December 11, 2013. On November 9, 2013, at approximately 9:30 p.m., Whiddon heard a louder than normal crowd. He went to the street from his residence to determine what was causing the noise. When he exited his residence, he noticed two groups, one on each side of the street in front of his property. He also noticed an additional group to the left. Whiddon saw a female tour guide (Bosma) discussing with a TCB employee (Joiner) her need to finish her tour. Whiddon recalled the tour guide having a sheet of paper in her hand. Whiddon observed Bosma cross Gov. Nicholls Street

towards Joiner and grab something from Joiner. Bosma then quickly retreated back across the street to stand with her tour group. Joiner stated "give that back to me." Tour members were exclaiming that they paid for the tour and that Bosma should be allowed to finish the tour. At this time, Bosma was in the middle of the street and was backed onto a parked vehicle by Joiner. Various people in the crowd were taking pictures and video of the incident. Whiddon did not think that Joiner detaining Bosma was unusual, as he assumed the TCB had police powers. Two NOPD Officers arrived on the scene. (**Exhibit 8**)

- **Marshall P. Scallan, NOPD officer**

Marshall P. Scallan, Police Officer (PO), New Orleans Police Department (NOPD), 8th District, was interviewed by OIG Investigators on December 12, 2013. On November 9, 2013, PO Scallan responded to a disturbance call between a Taxi Cab Bureau (TCB) employee and an unidentified individual in the 600 block of Gov. Nicholls. When he arrived at the location, he noticed the TCB employee, who he identified as Wilton Joiner, sitting in his vehicle. PO Scallan was approached by Tour Guide Operator Wendy Bosma and an unidentified individual with a video camera. Both of these individuals were very irate and screaming. PO Scallan could not determine what the situation was, so he instructed the individual with the camera to move to the end of Gov. Nicholls near Charters Street. Bosma advised PO Scallan that she felt that Joiner had no right to cite her as she was not in violation of the 50 foot rule. When Joiner asked for her permit, she refused and Joiner removed it from her purse and told her to come see him after she finished the tour. Bosma stated Joiner had no right to take her permit from her. Bosma stated that when Joiner took her permit, she followed him and took her permit back. At this time Joiner grabbed her arm, twisted it behind her back and pushed her up against a parked car. PO Scallan asked Bosma if she was injured and she advised she was not. Bosma advised PO Scallan she videotaped the initial contact between her and Joiner. After PO Scallan viewed it on her cellular telephone, he requested her to email it to his city email account, but he never received it. Joiner then approached PO Scallan and advised him he was writing a citation to Bosma for violating the ordinance requiring the tours to remain 50 feet apart and that Bosma was not being cooperative. Joiner obtained Bosma's permit and was walking to his vehicle when Bosma approached Joiner from behind and grabbed the permit from his hand. At this time Joiner grabbed Bosma to detain her until the police arrived. Joiner had requested the police to come based on the fact Bosma was not cooperating with Joiner by refusing to sign the citation. PO Scallan interviewed Malachi Hull, who was present during the incident. Hull advised that Joiner did not have arrest authority and that is why the police were contacted. Hull advised that he witnessed the incident. He said that Bosma refused, became irate and followed Joiner then took back her permit. Joiner then detained Bosma. PO Scallan stated he did not know what authority, if any, the TCB employees had. He relied on the information he obtained from Hull. After discussing the incident with these three individuals, PO Scallan witnessed Joiner issue the citation to Bosma and then all parties departed. (**Exhibit 09**) (**Exhibit 10**)

- **Wilton Joiner, Senior Investigator, New Orleans Taxicab Bureau**

Joiner was compelled by OIG Investigators to answer questions. Joiner was advised he had a duty to cooperate truthfully under the City Code Section 2-1120. It was explained to Joiner that any information obtained during the interview could not be used against him in any criminal action and could only be used in administrative proceedings. (**Exhibit 11**)

Training:

Joiner said while performing his duties as a taxicab investigator he, “never carried a firearm,” he said he did carry handcuffs while on the job. He added that he has not worn handcuffs or carried pepper spray for, “a while.” When asked again if he carried a firearm while on duty, Joiner said “never.” Joiner said the TCIs were required to carry pepper spray so he, “purchased them.”

Joiner believed that he was a, “law enforcement officer, enforcing the laws of Ordinance 162.”

He also issued citations and TCB or Municipal Summons. Joiner stated, “we do have powers to arrest, we just cannot transport them.” Joiner said it is stated in, “chapter 162 sections 48 or 58.”

Joiner said that he did never discussed the need for training with anyone.

Equipment:

When Joiner worked the day shift, he would, “occasionally use one of the Crown Victorias” Joiner believes the 2000 Ford Explorer had, “emergency lights removed approximately 2 ½ years ago” by Equipment Maintenance Division (EMD). Joiner stated that only three TCB vehicles had emergency lights. Former Deputy Mayor Ann Duplessis ordered all emergency lights to be removed. Joiner said he, “had no idea why they had to be removed,” “it was part of the equipment from the beginning,” and the TCB, “is a law enforcement agency.”

Joiner said there are, “no lights and sirens” in the TCB vehicles he used recently. He said he did use a “dash flash,” however, after Duplessis said, “no more,” he “never used it.” Each Investigator, “did their own thing” when it came to the vehicles they drove. He would not know if anyone else in the department was using a “dash flash,” just that he, “did not use” it. Joiner said that no other law enforcement training was provided, just the training from the Harbor Police. Joiner, “is not and never has been trained as “POST” (Police Officer Standards of Training).

Tour Guide Operators:

When Joiner observed Tour Guide Operators he would check to, "make sure they had their permit." Joiner would use "Chapter 30" as his reference. The violations would be 1. "Disband by 10:00pm," 2. "valid permits" and 3. "can't be within 50 feet of another tour."

Joiner was able to determine 50 feet apart because he could, "visibly see 50 feet from 15 feet." Joiner had, "no measuring device." The last citation Joiner wrote was to Wendy Bosma, it was citations for operating after 10:00 p.m. Joiner said, "I did not write tickets for the 50ft rule."

Joiner is not aware if there is a rule regarding the length of time a tour can stay at one location. Joiner would just say, "hey you been here long enough" but there is no set rule to cite that he is aware of. Joiner said that there have been complaints from citizens and residents about Tour Guide Operators being in one spot for 30 or 40 minutes, especially around Governor Nicholls and Royal Streets.

November 9, 2013:

Joiner was working the 3:00 p.m. until 11:00 p.m. shift. At approximately 9:30 p.m., he stationed himself near the LaLaurie Mansion. Joiner said he was wearing a, "navy blue shirt, BDU pants, and reflective vest with no utility belt." Joiner said he was driving the white Ford Explorer.

Joiner saw four tour groups in the area. Bosma's group came up and stopped next to another group. Hull told Joiner Bosma's group was less than 50 feet. Hull instructed Joiner to, "inform her of being within 50 feet, get her permit"

Bosma had just walked up to the LaLaurie Mansion so she was less than 50 feet from the next tour group. Bosma came down from Chartres Street. Joiner said she passed another group but they were so close they were almost "mingling about, within 25 feet." Joiner described the distance as the length between the lamp post of Governor Nicholls and Royal Street.

Joiner said he approached Bosma to inform her of the violation. Hull instructed Joiner to let Bosma finish her tour, but get her permit and let her finish her story. At that time Joiner told Bosma she was violating the 50 feet rule. Bosma gave Joiner her permit. Joiner stated; "it's almost 10:00 p.m., finish your tour and then come back and see me." She said, "no other groups" were out there. Joiner responded, "If you have complaints go see my supervisor." Bosma then got on the phone and called someone. Joiner said Bosma went back towards her tour group and told them he, "took my permit, he is not allowed to take my permit, had no reason to take my permit." He walked back across the street and Bosma said, "give me back my permit, you fucking asshole."

The tour group walked across the street and started to yell and scream at Joiner. Joiner said he walked away and called NOPD as Hull instructed him to do. He called the 8th District Command Desk, he informed the Command Desk that he needed assistance at the 600 block of Governor Nicholls. Joiner said he called the Command Desk instead of 911 because, "it was not an emergency so to speak." Joiner said, "I felt someone run up behind me and push me." At this point he did not know who just pushed him. He felt hands on his left ribs and another hand over him and grab the permit. Bosma bent his fingers back and Joiner dropped his phone, he then grabbed her right wrist. He started to twist her wrist behind her back because Joiner wanted her off of him. Joiner said her arm was either under or over Joiner's shoulder. Once Bosma's arm was in front of Joiner he twisted her arm and she released the permit. Joiner told Bosma, "don't you ever take anything out of my hand." Joiner said he just wanted Bosma off of him, he, "did not push her away." "If I had cuffs on me I would have put them on her." Joiner said he could not recall if he grabbed her anywhere else. Joiner said both he and Bosma were up against van, he was on the van first, but does not recall how they were on the van.

When Joiner was asked if he saw the video of this incident he said, "yes, it's all over the news," and he is "disgusted" every time he sees it. Joiner then said he, "did not recall pushing her". Joiner noted that he, "does not interrupt tours, he informs them only after they finish speaking."

Joiner said two NOPD Officers arrived, he explained that Bosma, "assaulted me, I want her arrested."

Joiner wrote a citation to Bosma for violating the 50ft rule. He asked NOPD to remain in the area while he issued the citation to Bosma. After the citation was written, Joiner left, went to his office and wrote his report of the incident which he described as, "a true and accurate statement." Hull told Joiner to submit his report to him. Joiner emailed his report to Hull, Thibodaux, and Ronnie Blake. (**Exhibit 12**)

III. PRIOR INCIDENTS

- **Luke Siddall, Tour Guide Operator, French Quarter Phantom Tours**

Luke Siddall, Tour Guide Operator, French Quarter Phantom Tours was interviewed by OIG Investigators November 15, 2013. Siddall stated that on October 17, 2013, he was stopped by Joiner at the second to last stop of his tour, the LaLaurie Mansion. Joiner pulled up behind Siddall in the middle of the street in a white SUV with "police lights" turned on and interrupted his tour guide story and ordered Siddall to show Joiner his license. Siddall complied. Joiner again requested to see his license and Siddall visibly held it up to Joiner. Siddall asked Joiner if there was a problem to which Joiner replied "no, there is no problem we are just checking cause that's what we are supposed to do." Joiner then said, "we have been getting too many complaints of tour groups too close together and out past 10 pm, and you guys are too close together." Joiner was referring to Siddall and a female Haunted History Tour Guide down the

street. Siddall stated that he was in front of the driveway on Governor Nicholls across from the LaLaurie Mansion, and she was on the corner of Governor Nicholls and Royal. Siddall stated that he was a good fifty feet away so he asked Joiner if the ordinance was indeed 50 feet. (OIG NOTE: New Orleans Code of Ordinances Sec. 30-1489 Walking tour guide rules and regulations states; "During a tour narration, tour groups shall maintain a distance of 50 feet from another tour group.") Joiner said "yes" but you aren't 50 feet apart. Joiner finished taking down Siddall's information and preceded to hand back his license and drive off with the "police lights" still on.

Siddall stated that he has seen Joiner wearing a gun on more than one occasion. Siddall described Joiner wearing a gun in the same manner a police officer would. Siddall said he was advised by fellow tour guide operators to be careful of Joiner because he has forced tour guides to take breathalyzer tests during their tour with "no probable cause of search."

- **David Whiddon, French Quarter resident**

David Whiddon was interviewed by OIG Investigators on December 11, 2013. Since September 2013, various ghost tour companies have increased the number of tours given in the vicinity of the Whiddon residence which is located across the street from the LaLaurie Mansion. The increased tours have resulted in the Whiddons' experiencing increased noise and litter. This prompted them to contact City Council Members Jackie Clarkson and Kristin Palmer. The complaints resulted in a meeting on October 14, 2013, with Taxi Cab Bureau Director Malachi Hull. During this meeting, the Whiddons' discussed their concerns with Hull. Specifically, the Whiddons expressed the concern that no enforcement or monitoring of the tour groups was occurring. Hull agreed to increase the oversight of the tour groups. After this meeting, the Whiddons noticed an increase in enforcement of the tour groups. A white city vehicle would park at the intersection of Gov. Nicholls and Royal Streets. Occasionally a TCB employee would approach a tour guide and inspect their permit.

- **Sidney Smith, Owner, Haunted History Tours**

Sidney Smith, Owner, Haunted History Tours, was interviewed by OIG Investigators on November 15, 2013. Smith stated that he has had issues with Wilton Joiner since October 2013. He had been advised by his employees that Joiner was "bullying by intimidation", including utilizing the blue lights on his city vehicle, and what he described as "Nazi Germany tactics." Joiner stated to one of his employees "you can't tell a story here, you have been here too long." Smith advised that there is nothing in the city ordinances that state how long a tour guide operator is allowed to stand in one spot. Smith said that his tour guide operators have been complaining so much that he purchased a video camera and started to go on the tours, in the event one of them would encounter Joiner. On one evening, date unknown, Smith said that he saw Joiner watching from his city vehicle a "white, Ford, with public plates and a fleur de lis city logo." He went on to say that the "dash has blue lights" and that evening, the "blue lights were flashing." **(Exhibit 13)**

- **Sandy Hester, Manager, French Quarter Phantom Tours**

Sandy Hester was interviewed by the OIG on December 18, 2013. Hester stated that she and Richardson had received several complaints from tour guide operators that they were being harassed by Joiner.

On October 18, 2013, at approximately 8:30 p.m., Hester and Trevor Aubin were on tour. Joiner approached Aubin and told him "to move." Hester began to read the municipal codes to Joiner when he took out his flashlight and brought it up to her right eye and said "I don't care about municipal codes, you don't need to read the codes to me." Hester continued to read the municipal codes to Joiner as she walked along side of him towards his vehicle. Joiner said to Hester "Don't touch me." She said "I'm not," "I'm walking down a public street." Joiner responded "don't come near me again," and she again responded "I'm walking down a street, a public street, and I'm allowed to walk down a public street." Joiner responded "you can also lie down on a public street." Joiner then went to his vehicle, came around and told Hester "if you come near me again, you will see what happens." Hester stated that Joiner said this to her twice. Hester described Joiner's attire that evening as; "navy blue uniform, type of duty rig uniform, a badge like New Orleans Police Department (NOPD), and a gun on his hip."

On October 19, 2013, tour guide operator Susan Lanigan was scheduled for a tour group at 8 pm. Hester was assigned to walk with her. Prior to approaching the LaLaurie Mansion, Hester noticed a parked white sedan, no headlights on, with a City of New Orleans logo on the side door, and assumed it to be a Taxicab Bureau employee. After several minutes had passed, Hester saw Joiner turn on his flashing blue lights, exit the vehicle, and approach a man beneath the gallery of the LaLaurie Mansion. Approximately 5 minutes after his conversation with this unknown male, Joiner approached Lanigan. Joiner asked Lanigan to step away from her group and Hester went with her. Joiner proceeded to tell Lanigan that, "her time was up and she had to move along". Hester explained to Joiner that "the municipal code governing tour guides doesn't allow for a time limit on stories." Hester was then told by Joiner that "this does not concern her." Hester again reiterated the municipal code and Joiner said he "did not care," and that Lanigan, "had to move." (**Exhibit 14**)

- **Jennifer Vallas, Tour Guide Operator, Haunted History Tours**

Jennifer Vallas was interviewed by OIG Investigators on December 18, 2013. On October 17, 2013, Vallas was in front of McDonogh 15 School conducting a tour. While speaking near the LaLaurie Mansion, Vallas was interrupted by Joiner who told her that she must move her group as they were in place too long. Vallas was not finished speaking to the group, but moved near 629 Gov. Nicholls to finish her story. Joiner again told her to move her group as they were in place too long.

On October 23, 2013, while Vallas was not on duty, she came into contact with Joiner. Joiner began writing a citation to her. Vallas questioned Joiner what she was being cited for. Joiner advised that he had received a complaint that Vallas had made a racial slur directed to a tour

guide, named Preston, and was witnessed by another tour guide, named Nate. Vallas told Joiner "that wasn't true" and questioned when the incident occurred. Joiner stated that it occurred over the previous weekend. Vallas advised Joiner that it would be impossible, as Vallas was in Lumberton, MS, when the incident was supposed to have occurred.

Vallas believed the writing of the citation was in retaliation for her writing a criticizing letter to the Mayor, wherein she accused Joiner of taking bribes.

While engaged in conversation with Vallas, Joiner threatened to write up another tour guide during this interaction for being too loud. Vallas advised Joiner there was no noise restriction in the ordinance. Joiner then threatened to cite this tour guide for too many participants in the tour. Vallas advised that the group was not too large and he should leave the tour guide alone. The fact that Joiner was attempting to cite the tour guide for noise, led Vallas to believe that Joiner does not have a proper working knowledge of the Ordinance he is enforcing. Vallas spoke to Preston's boss, concerned that it was a case of mistaken identity since Vallas and Preston know each other. Vallas was informed that Preston was not making the allegation against her. Preston said he told Joiner that it was, "a woman with dark hair and possibly of Italian descent." (**Exhibit 15**)

- **Cindi Richardson, Owner, French Quarter Phantoms Ghost Tours**

Cindi Richardson, was interviewed by OIG Investigators on November 19, 2013. Richardson had recently been videoing her tour guides after her employees complained to her that they were being harassed by the Taxi Cab Bureau (TCB) employees who regulate the tour guides.

Since October 18, 2013, she assigned a second tour guide to each tour to assist in "dealing" with the TCB employees. She stated that one of the complaints was that her tour guides were not allowed to finish their presentations without being interrupted by the TCB employees. On October 18, 2013, during the 6:00 p.m. tour, Joiner interrupted a tour while the tour group was stopped at the LaLaurie Mansion. Richardson's tour manager, Sandy Hester was present during this incident. Joiner had advised the tour guide that the tour was stopped on the location long enough and, "they need to move." The two tour guides were Susan Lanigan and Luke Siddall. Richardson went to observe the 8:00 p.m. tour and stood at the intersection of Royal and Gov. Nicholls Streets. Richardson observed other tours being interrupted in the middle of the presentations. Joiner would not allow the tour guides to complete their stories, advising them they had been on the block too long and that other groups needed to have access to the area. Richardson advised her company policy is to only remain at a stop for no longer than ten minutes. She does not know of any city regulation which cites a length of time to be at a single location.

Richardson's main concern was that the tours were being interrupted and this affected the quality of the tours her company provided. Two tour guides, Tessy (Last Name Unknown) and Trevor (Last Name Unknown) had separate incidents with Joiner wherein he told them to move

as they had been stopped too long. Trevor's incident was witnessed by Richardson and Hester. Richardson approached Joiner and questioned him as to what municipal code he was enforcing by requiring the group to move. Joiner stated to Richardson that he was not talking to her and he walked away. (**Exhibit 16**)

- **Unauthorized Investigation of Criminal Activity; Lying Under Oath**

Investigator Sidney H. Cates of the Orleans Parish District Attorney's Office conducted an investigation of Thayer Hamdalla on May 27, 2011. A rape victim stated that a New Orleans Taxicab Bureau investigator, later identified as Joiner, interviewed her concerning her sexual assault. During that interview, Joiner and this victim viewed a video tape depicting her attacker during the incident. Upon further investigation it was determined that Joiner conducted his own rape investigation. Initially, Joiner denied conducting any type of follow up investigation whatsoever but did supply a copy of the victim's complaint. Cates believes that Joiner lied because he contacted Hamdalla's taxicab company, retrieved documents and photos. Joiner withheld information and evidence of a sexual assault from the Orleans Parish District Attorney's Office.

On June 1, 2011, Joiner was notified via email of a request for the production by the City of New Orleans of certain records, specifically "All personnel records, records of complaint and/or records of investigation into Thayer Hamdalla during his time of employment as a cab driver in the City of New Orleans" and "any/all records, permits, applications, complaints, suspensions notice books and records regarding Thayer Hamdalla, from the New Orleans Taxicab Bureau". As of June 1, 2011, Joiner stated, to the best of his knowledge, he knew of the existence of no other records or documents responsive to the above request. (**Exhibit 17**)

A search warrant was executed by the Orleans Parish District Attorney's Office at the personal residence of Wilton Joiner, 2621 Cardinal Street, Marrero, LA on June 6, 2011. Evidence was seized, including a computer and documents relating to Thayer Hamdalla.

Former Deputy Mayor Ann Duplessis wrote an interoffice memorandum on June 9, 2011 regarding Taxicab Bureau Employees. (**Exhibit 18**) It stated in part;

Joiner was interviewed by the DA and asked if he had any files or reports regarding this case. Joiner indicated that he did not have any files.

I interviewed Yolanda Brownfield, Cheryl Adams, Wilton Joiner, and Kewana Fortune regarding the files for Thayer Hamdalla. All of them attested that they did not have the files or did not know where they might be.

On June 8, 2011 we received notarized affidavits from each of them attesting that they knew of the existence of no records or documents regarding Thayer Hamdalla. The DA received a search warrant for

Wilton Joiner's home and found city files, as well as, documentation regarding the complaint and the victim, contrary to what Joiner attested to.

- *"Violated the "take home" car policy. I questioned Joiner about taking the car home and he admitted to doing so. Joiner said he believed that because he maintained the car at his own expense, he had the right to take it home. I asked him if anyone gave him authorization to take the car home and he said no. I then informed Joiner that this was a clear violation of a known policy and I would be following up with administrative actions."*
- *"In addition to violating the "take home car policy", Joiner installed illegal blue police lights in the city car, which is only allowed for post certified law enforcement officers. Joiner is not a post certified law enforcement officer. (See attached pictures). I questioned Joiner about the blue lights and he said Mike Lentz authorized the lights and Joie Cutrer purchased them. He said he was instructed by Joie to bring the car to Ellis Meter Shop for installation. I then asked Joiner if he knew this was against the law, he replied yes and he would have them removed."*

While under oath, Joiner willfully lied regarding matters relating to public records of Thayer Hamdalla. This may be a violation of La. R.S. 14:133, which makes it illegal to deposit a record with a public official with knowledge of its falsity.

IV. DISCREPANCIES

1. NOVEMBER 9, 2013 INCIDENT

In the interview with OIG investigators, Joiner stated that Bosma pushed him in order to obtain her permit back; this is contradicted by his statement to the NOPD, as well as by the statements of Malachi Hull and David Whiddon who witnessed this incident.

- Police Report Item Number K-12494-13 stated that Joiner told Officer Scallan that Bosma followed after him and grabbed the license from his hands. Joiner stated that he then detained Bosma by holding her arm behind her back while his supervisor Malachi Hull notified the authorities.
- Police Report Item Number K-12494-13 stated that Hull told Officer Scallan that, "Bosma walked behind Joiner as he walking back to his unit with her license, and then grabbed her license from Joiners hand, at which time Joiner then grabbed Bosma and detained her at the location."
- David Whiddon observed Bosma cross Gov. Nicholls Street towards Joiner and grab something from Joiner. Bosma then quickly retreated back across the street into her tour group.

2. EMERGENCY EQUIPMENT / BLUE LIGHTS

Joiner was required to remove the blue lights (emergency equipment) in the city vehicle in 2011 and subsequently suspended in 2011 for altering the city vehicle. OIG Investigators observed the blue lights (wires cut) still in the city vehicle as of January 2014. Three individuals described the "blue lights" being engaged while encountering Joiner in 2013. Joiner was required to remove them. Joiner did not comply with the directive of Former Deputy Director Ann Duplessis.

- Luke Siddall: On October 17, 2013, Joiner pulled up behind Siddall in the middle of the street in a white SUV with police lights turned on and interrupted his tour guide story and ordered Siddall to show Joiner his license.
- Sidney Smith: He had been advised by his employees that Joiner was "bullying by intimidation" to include utilizing the blue lights on his city vehicle. On one evening, date unknown, Smith said that he saw Joiner watching from his city vehicle. He described the city vehicle as "White, Ford, with public plates and a fleur de lis city logo." He went on to say that the "dash has blue lights" and that evening, the "blue lights were flashing."
- Sandy Hester: Hester noticed a gray haired, stocky, male, late sixties (60's) name unknown (NU) emerge from 625 Governor Nicholls and crossed the street toward the LaLaurie Mansion. The Taxi Cab Bureau employee saw this; turned on his flashing blue lights, exited the vehicle, and met the gray haired man beneath the gallery of the LaLaurie Mansion
- Ann Duplessis informed Joiner on June 1, 2011, that the "blue lights" were illegal because he was not a P.O.S.T. certified law enforcement officer and instructed him to remove them; he stated that he would have the lights removed.

3. OCTOBER 23, 2013 INCIDENT

Joiner neglected his duty to conduct a thorough investigation into the complaint supplied by Tyrone Preston. Further Joiner wrongfully accused Vallas without first confirming with Preston that Vallas was in fact the person who made the racial slur. Joiner inaccurately reported the information provided to him by Preston and cited Vallas without just cause.

- Joiner stated to OIG Investigators that he received a complaint from Tour Guide Operator, Tyrone Preston. Preston told Joiner that a Tour Guide, dressed like a pirate, with red hair would harass Preston every time she encountered him. Joiner stated that Preston tried to ignore her but she made racial remarks in front of Preston's tour group.

When Joiner encountered Vallas and advised that she was receiving a citation, Vallas told Joiner that she is not a racist and that she even has black members in her family. Joiner did not have Preston physically point out Vallas. He just wrote Vallas a citation.

- On October 18, 2013, Tour Guide Operator Tyrone Preston complained to Joiner that while he was giving a tour an unknown female made negative and disparaging comments to Preston. This unknown female stated that the information Preston was proving on the tour was not truthful, but lies and that the tour patrons should "not listen to that nigger" and the group should stop blocking the sidewalk. Preston had never seen this female previously and described her as a slim, white female with short auburn hair, wearing grey and white clothes. Preston advised Joiner that the individual who made the comment was not in a costume or uniform. He did not tell Joiner that she was dressed in a pirate costume. Joiner stated, "I think I know who that is. Don't worry about it." Preston advised that Nathan Scott was present. (**Exhibit 19**)
- On October 23, 2013, Joiner cited Tour Guide Operator Jennifer Vallas for a "complaint." Vallas questioned the "complaint" and Joiner advised that he had received a complaint that Vallas had made a racial slur directed to Tour Guide Operator Tyrone Preston and was witnessed by another Tour Guide Operator. Vallas told Joiner "that wasn't true" and questioned when the incident occurred. Joiner stated that it occurred over the previous weekend. Vallas advised Joiner that it would be impossible, as Vallas was in Lumberton, MS when the incident allegedly occurred. Vallas said her nephew Scott Williams could account for Vallas being in Lumberton, MS, as he accompanied her there. Vallas advised that she does not work weekends, but works Monday through Thursday.

4. ENFORCING A NON-EXISTENT ORDINANCE

On at least six different occasions in October 2013, Joiner attempted to enforce arbitrary rules and falsely claimed that they were ordinances.

- Sidney Smith: Joiner stated to one of his employees "you can't tell a story here, you have been here too long." Smith advised that there is nothing in the city ordinances that state how long a tour guide operator is allowed to stand in one spot. OIG Note: there is nothing in City Code Chapter 30, Art. XXI which limits a tour guides time in one spot.
- Jennifer Vallas: On October 17, 2013, Vallas was in front of McDonogh 15 School conducting a tour. She was approached by Joiner who requested to see her permit. While speaking near the LaLaurie Mansion, Vallas was interrupted by Joiner who told her that she must move her group as they were in place too long. Vallas was not

finished speaking to the group, but moved near 629 Gov. Nicholls to continue and finish her story. Joiner again told her to move her group as they were in place too long.

- Sandy Hester: On October 17, 2013, asked tour guide operator Lanigan to step away from her group and Hester went with her. Joiner proceeded to tell Lanigan that, "her time was up and she had to move along". Hester explained to Joiner that "the municipal code governing tour guides doesn't allow for a time limit on stories." Hester was then told by Joiner that "this does not concern her." Hester again reiterated the municipal code and the Taxicab Bureau employee said he "did not care," and that Lanigan, "had to move.
- Sandy Hester: On October 18, 2013 at approximately 8:30 p.m. five minutes into a tour with Tour Guide Operator Trevor Aubin, Joiner approached Aubin and asked Aubin "to move." Hester began to read the municipal codes to Joiner when he took out his flashlight and brought it up to her right eye and said "I don't care about municipal codes, you don't need to read the codes to me." Hester continued to read the municipal codes to Joiner as she walked along side of him towards his vehicle. Joiner said to Hester "Don't touch me." She said "I'm not," "I'm walking down a public street." Joiner responded "don't come near me again," and she again responded 'I'm walking down a street, a public street, and I'm allowed to walk down a public street." Joiner responded "you can also lie down on a public street." Joiner then went to his vehicle, came around and told Hester "if you come near me again, you will see what happens." Hester stated that Joiner said this to her twice.
- Cindi Richardson: On October 18, 2013, during the 6:00 p.m., tour, Joiner interrupted a tour while the tour group was stopped at the LaLaurie Mansion located in the 600 block of Gov. Nicholls. Richardson's Tour Manager, Sandy Hester was present during this incident. Joiner had advised the tour guide that the tour was stopped on the location long enough and "they need to move." Richardson went to observe the 8:00 p.m., tour and stood at the intersection of Royal and Gov. Nicholls Streets. Richardson observed other tours being interrupted in the middle of the presentations. Joiner would not allow the tour guides to complete their stories advising them they had been on the block too long and that other groups needed to have access to the area.
- Jennifer Vallas: On October 23, 2013, Joiner threatened to write up another Tour Guide during his interaction with Vallas for being too loud. Vallas advised Joiner there was no noise restriction in the Ordinance. Joiner then threatened to cite this Tour Guide for too many participants in the tour. Vallas advised that the group was not too large and he

should leave the Tour Guide alone. The fact that Joiner was attempting to cite the Tour Guide for noise, led Vallas to believe that Joiner does not have a proper working knowledge of the Ordinance he is enforcing. OIG Note: there is nothing in City Code Chapter 30, Art. XXI which addresses the volume of tour guides' speech.

5. CARRYING WEAPONS WHILE ON DUTY

In Joiner's statement to OIG Investigators, Joiner said he "never wears a gun." At least two individuals stated they had witnessed Joiner wearing a gun on his belt while on duty for the City of New Orleans.

- Luke Siddall: Siddall stated that he has seen Joiner wearing a firearm more than once and deemed it a habit. Siddall described Joiner wearing a gun in the same manner a police officer would.
- Sandy Hester: Hester described Joiner's attire that evening as; "navy blue uniform, type of duty rig uniform, a badge like New Orleans Police Department (NOPD), and a gun on his hip."

V. OIG OBSERVATIONS

- November 10, 2013 at 1:10 a.m., Joiner documented his encounter with Wendy Bosma via email and sent it to Malachi Hull, Karen Thibodeaux, and Ronnie Blake. The same day at 9:41 p.m., Joiner forwarded the same email to Bobbie Whiddon stating, "*Mrs. Whidton (sic) this is my report that I submitted for Saturday Night. Everything that's in MY report, the tour guide admitted to! You try to figure it out!! I get punished for doing MY job.*" (**Exhibit 20**)
- During an interview with the OIG, Bobbie Whiddon stated that she received a call on her cell phone from Joiner who advised that he had been suspended from his job and no one would be overseeing the tours.
- During the interview with the OIG, the investigators noted that Joiner is still in possession of his City issued Blackberry.
- Wilton Joiner's Facebook public profile was supplied to the OIG by Vallas. Under Wilton Joiner's "Work and Education" it states "City of New Orleans, New Orleans, Louisiana, April 2003-present, Law Enforcement."

VI. CONCLUSIONS

Joiner's use of force, physically detaining Bosma by pulling her arm behind her back and pushing her, was not justified under the circumstances. Bosma was not a threat to Joiner and he was not acting in self-defense. He was in the process of issuing Bosma a citation to an Administrative Hearing. There was nothing that justified his use of force against Bosma. He was acting outside the scope of his authority. This appears to be an illegal act and will be referred to the Orleans Parish District Attorney's Office for review.

Joiner made a telephone call and sent an email to Bobbie Whiddon notifying her of his suspension. Joiner did not alert any other citizen or business owner about his suspension. OIG Investigators found on six different occasions during October 2013, wherein Joiner told Tour Guides to move because, "they had been there too long." There is nothing in the Ordinance that cites a time period Tour Guide Operators can remain in one place. The location of all of these instances was in the proximity of the LaLaurie Mansion which is across the street from the residence of Bobbie Whiddon. It is suspicious that Joiner has a relationship with the residents who live across the street from the one location where Joiner repeatedly told tour guides to move on, after claiming to enforce a non-existent ordinance. The OIG investigated but was unable to find proof of improper payments to Joiner.

Joiner lied on multiple occasions, to the City Attorney, the OIG, the NOPD, and a private citizen. In an interview with the OIG, Joiner stated that he does not carry handcuffs, however a video and various statements, including Joiner's own statement, identifies that Joiner carried handcuffs while on duty for the City of New Orleans.

- A video supplied to the OIG by Cindi Richardson visibly shows Joiner carrying handcuffs on his hip.
- Joiner stated to the OIG that the only reason he did not handcuff Wendy Bosma on November 9, 2013 is because he left his handcuffs in his vehicle.
- November 10, 2013 at 1:10 am Joiner documented his encounter with Wendy Bosma via email and sent it to Malachi Hull, Karen Thibodeaux, and Ronnie Blake. In Joiner's own words he stated "I then had to physically prevent the subject from taking the permit from my hand by force, I went to detain her until N.O.P.D arrive, and noticed that I didn't have my handcuffs on me."

By lying to OIG Investigators, Wilton Joiner violated:

- City Code Section 2-1120(20)(a) “It shall be the duty of every city officer, employee, to cooperate with the Office of Inspector General in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter.”
- City Code Section 2-1120(20)(d) “Any employee who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement, in addition to any other penalty provided in the City Charter or ordinances.”
- Joiner’s false statements were made to OIG Investigators in an attempt to change the facts and circumstances of October 23, 2013 and November 09, 2013 in order to justify his actions. Lying to OIG investigators violates the obligation of city employees to cooperate with the OIG.

Joiner’s own statement to OIG Investigators that he lacked training and is not POST Certified demonstrates that he knows that he is not trained or classified to perform law enforcement duties. La. R.S. 40:2402, Peace Officer Standards and Training Law, specifically, *3(a)* states in part:

- *(3)(a) “Peace officer” means any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department.*

Joiner was unable to perform his job as a Senior Investigator with the Taxicab Bureau because he demonstrated the inability to perform the duties of that position in a satisfactory manner and he has committed acts to the prejudice of the service and repeatedly did not exercise sound judgment.

EXHIBIT LIST

- Exhibit 1: CAO Policy Memorandum Policy Memo No. 83R - Standards of Behavior for City Employees, effective July 17, 1989, revised October 28, 2013
- Exhibit 2: Civil Service Rule 9.1.1. Maintain Standards of Service
- Exhibit 3: Taxicab Bureau command memorandum; "Work Rules" signed July 29, 2011
- Exhibit 4: Letter from the Shlosman Law Group to Malachi Hull
- Exhibit 5: November 11, 2013: Complaint from Luke Siddall received
- Exhibit 6: November 15, 2013 OIG Memorandum of Interview : Luke Siddall
- Exhibit 7: December 10, 2013 OIG Memorandum of Interview : Wendy Bosma
- Exhibit 8: December 11, 2013 OIG Memorandum of Interview : David Whiddon
- Exhibit 9: December 12, 2013 OIG Memorandum of Interview : Marshall Scallan
- Exhibit 10: November 9, 2013: NOPD Incident Report Number K-12494-13
- Exhibit 11: January 10, 2014: OIG Memorandum of Interview : Wilton Joiner
- Exhibit 12: Wilton Joiner's emailed statement dated November 10, 2013
- Exhibit 13: November 15, 2013 OIG Memorandum of Interview : Sidney Smith
- Exhibit 14: December 18, 2013 OIG Memorandum of Interview : Sandy Hester
- Exhibit 15: December 18, 2013 OIG Memorandum of Interview : Jennifer Vallas
- Exhibit 16: November 19, 2013 OIG Memorandum of Interview : Cindi Richardson
- Exhibit 17: Signed Affidavit of Wilton Joiner
- Exhibit 18: June 9, 2011: Interoffice Memorandum from Ann Duplessis
- Exhibit 19: January 15, 2014 OIG Memorandum of Interview : Tyrone Preston
- Exhibit 20: Email from Wilton Joiner to Bobbie Whiddon dated November 10, 2013

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 83 (R)

October 28, 2013

TO: All Departments, Boards, Agencies and Commissions

From: Andrew D. Kopplin, First Deputy Mayor/CAO

SUBJECT: **STANDARDS OF BEHAVIOR FOR CITY EMPLOYEES**

I. PURPOSE

The purpose of this memorandum is to revise the standards of behavior guidelines for City of New Orleans employees. Our goal is to provide efficient and courteous service to the public and each other in order to enhance the effectiveness of city government while maintaining the high standards of quality and professionalism necessary to project the best image possible. We are all dependent on each other to accomplish this mission. Our behavior should indicate our willingness to work and demonstrate the pride we have in our profession. The standards given below are to help us achieve our goal.

II. GENERAL STANDARDS

- a. An employee shall be courteous, civil, and respectful.
- b. An employee shall have patience with the public and with fellow employees.
- c. An employee shall not discriminate against or show partiality to any person in the course of work duties because of race, sex, orientation, ethnic background, religion, political party, age, handicap, sexual, or personal prejudice. No special treatment, partiality, or favoritism shall be given to anyone because of "connections" or relationship.
- d. An employee shall report for work at time assigned and remain on duty until the work hours are completed, except for standard, authorized breaks and lunch periods. Work hours shall be spent in productive work without time being wasted.
- e. An employee unable to report to work shall inform the supervisor as early as possible, before or at the beginning of the work shift. An employee unable to complete a shift shall notify the supervisor before leaving the job. Some departments have more specific policies which apply in their respective departments.

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- f. Each employee, because of the job assignment, has certain required duties and must assume certain responsibilities. Each employee has a job to do and must do that job. Failure to perform these duties or take these responsibilities is **neglect of duty.**
- g. An employee shall investigate complaints thoroughly, objectively, and fairly to protect the public, the employees, and the government. If a citizen is not satisfied, then the employee shall refer the person to the immediate supervisor or other higher authority. No one should be sent away without a resolution to their issue if another solution can be found. The supervisor may have greater authority to resolve the problem or more knowledge to find a solution. The citizen will be satisfied by realizing that every effort has been made to resolve their concern.
- h. Personal telephone calls shall be kept to a minimum and shall be brief in duration. If possible, personal telephone calls should be made during breaks and lunch time, and in an area that is not used by the public.
- i. An employee shall not watch television, play games, or read for recreation during work hours.
- j. An employee shall not conduct any personal business which causes neglect or inattention to work duties.
- k. An employee shall not read newspapers during work hours except as a part of a specific assignment received in writing or as part of research in preparing an assignment.
- l. An employee shall not loiter in the hallways or other parts of the work place.
- m. Employees shall not conduct meetings in the passageways. Meetings shall take place at a work station or in a meeting room. If an employee meets someone in the hallway and a conversation begins, the people should move quickly to a work station or office to continue the conversation.
- n. Employees shall be encouraged to leave the work place or go to an authorized lounge area during the duty periods for lunch and breaks. Employees shall not eat in work areas in sight of the public. Eating should be done in eating areas.
- o. City property shall be used only for the purpose for which it was intended. Employees shall exercise care in the use of any city property and equipment, including vehicles, and promptly report to the immediate supervisor any damages, loss or theft. Use of City property is for work related purposes and not for personal benefit. Employees shall not use City supplies or office machines for personal business.

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- p. An employee shall be financially responsible for City property issued, assigned, loaned or under his/her immediate control if the property is damaged or lost through the employee's negligence. Listed are several examples an employee may be deemed negligent such as: an employee failing to follow a manufacturer's or department's instructions for the use or care of equipment, using equipment for a purpose for which it was not intended, failure to return property to its place of safekeeping. Disciplinary action may include a fine or reimbursement paid directly to the department or through payroll deduction. **Please refer to Policy Memorandum No. 109 – Regulations Pertaining to Assignment, Usage and Care, and Return of City Property by Employees.**
- q. An employee shall not accept or solicit a valuable gift from any person, business, or organization for personal benefit. If an employee questions what is valuable, a supervisor, Civil Service or the Ethics Review Board should be consulted.
- r. Solicitations by City employees, without permission, in City facilities and on City property are prohibited at all times.
- s. City of New Orleans will not tolerate retaliation or threat of retaliation against those who make disclosures of actual or perceived misconduct. Acts or threats of retaliation in response to such disclosures may subject the person retaliating to disciplinary action, up to and including termination.

III. CUSTOMER SERVICE ETIQUETTE STANDARDS

- a. An employee shall identify himself by name whenever serving anyone, unless the situation prevents such an identification. An employee shall courteously give his name to anyone who asks.
- b. When answering the telephone, an employee should give the name of the office, the employee's name and ask, "May I help you?"
- c. If a telephone caller asks for someone who is not available, the caller should be asked, "Would you like to leave a message or May I get someone else to assist you or would you like to be transferred to voicemail?"
- d. Any person who is not a member of the immediate work group, when entering the work place shall be greeted by the first available employee and asked, "May I help you?" Fellow workers and the public shall be treated with courtesy at all times.

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IV. HEALTH AND SAFETY STANDARDS

- a. An employee shall not drink alcoholic beverages while at work or come to work under the influence of intoxicants or with the odor of intoxicants on their breath.
- b. An employee shall not use illegal substances during work hours or come to work under the influence of illegal substances.
- c. The sale, purchase, or possession of illegal substances at the work site is prohibited. Supervisors should be notified if an employee's work performance could be affected by the use of authorized prescription drugs.
- d. An employee shall adhere to the requirements of the smoking ordinance, the Health Department rules and regulations on smoking, and **Policy Memorandum No. 76, Smoking**, while on the job.
- e. An employee is expected to be a law abiding member of the community at all times including off duty work hours.
- f. An employee shall not bring or carry dangerous weapons while on duty or while on City property. Prohibited weapons include: clubs, explosive weapons, firearms, blades or any other objects regardless of designed purpose used with the intent of causing malicious threat, inflicting bodily injury or otherwise bearing assault or damage on body or property. **Exception: Employees who are required to carry weapons in the performance of their official duties and those authorized to carry weapons in an off duty capacity while working other employment shall be exempt from this policy.**
- g. An employee shall use sick leave only for the employee's personal illness, or personal injury, or death in the immediate family, as defined in the City Civil Service Rules. Sick leave cannot be used if a friend or family member is ill; annual leave is to be used for this purpose.

V. USE OF SOCIAL MEDIA AND SOCIAL NETWORKING STANDARDS

This section applies to new media, social media, Web 2.0 technologies, digital media and emerging media such as public and private blogs (BlogSpot) or internet-based comment pages (Nola.com), micro-blogs (Twitter), video sharing (You Tube or Vimeo), photo sharing (Flickr, SmugHug, or Webshots), wikis (WikiiSpaces, PBwiki, SocialText or Wetpaint}, social networking sites (Facebook, MySpace, Google+), web syndication (RSS, Atom, weblogs, vlogs, podcasts), internet-based bulletin boards (forums), newsgroups (Usenet) chat rooms (Meebo, Chatroulette, or Tinychat), content aggregators

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(mash-ups or portals), multiplayer online games (EverQuest, WoW, Happy Farm, Second Life, IMVU), and other forms of virtual or digital communications.

- a. The way we present ourselves and portray our colleagues affects the public's opinion of employees as City employees. If subject matter relates to City policies, City business, or other City workplace issues, City employees are responsible for maintaining compliance with **CAO Memorandum No. 110 regarding Media Advisory Procedures, and also No. 61 (R) on Internet Use & Access Authorization.**
- b. The City respects the rights of City employees to use social media as a medium of self-expression, but with online communications becoming more of a participatory action the lines between the public and the private, personal and professional are being blurred. As public servants, City employees may be perceived as representatives of the City of New Orleans and as such must at all times conduct themselves appropriately and consistently with the City's values and professional standards.
- c. To guide online conversations and social media postings City employees should:
 - Avoid the offensive. Do not post any defamatory, libelous, vulgar, obscene, abusive, profane, threatening, racially and ethnically hateful, or otherwise offensive or illegal information or material.
 - Unclassified employees, unless specifically authorized to do so, shall not use the position as a City employee to promote opinions, products or causes. Classified employees are prohibited by Civil Service Rule XIV and State Constitution, Article X to use the position as a City employee to promote opinions, products or causes unless explicitly permitted in Section 3.1 of said rule.
 - Do not post non-public information pursuant to the law.
 - Do not post any information that would infringe on privacy or legally protected rights of others.

VI.

VIOLATIONS OF STANDARDS

Employee violations of a standard of behavior as set forth in this memorandum may subject the employee to disciplinary action and possible termination of employment. The City of New Orleans endorses the use for both classified and unclassified employees of progressive disciplinary action. The suggested progression is verbal warning, written warning, suspension, demotion of

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circumstances warrant and termination. The implementation of disciplinary measures shall be at the discretion of a supervisor and/or the appointing authority.

VII. IMPLEMENTATION

Each employee is to sign a copy of the attached receipt acknowledging their receipt of this policy. The signed receipt is to be kept in the employee's personnel folder located in the department. New employees are to be issued a copy of this policy upon hire. Enforcement of this policy shall begin at date of hire. These standards may be amended as necessary. Departments are encouraged to develop additional standards tailored to specific department situations.

VIII. INQUIRIES

Questions regarding this policy should be addressed to the Chief Administrative Office, Employee and Labor Relations Division at (504) 658-8613.

ADK/PMRC/rth

Attachment

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, have received the Standards of Behavior for City Employees (Policy Memorandum No. 83 (R)). I understand that if I do not follow these standards, disciplinary action may be taken against me.

Date

Employee Signature

Updated 10/28/13
ADK/PMRC/rth

RULE IX

DISCIPLINARY ACTIONS

(amended February 9, 1955, July 22, 1975, August 9, 1979, June 10, 1982, January 21, 1988, September 27, 1990, December 14, 2000, adopted November 13, 2002)

Section 1. MAINTAINING STANDARDS OF SERVICE

- 1.1 When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:
- (a) termination from the service. (amended January 21, 1988, effective February 1, 1988)
 - (b) involuntary retirement. (adopted June 10, 1982)
 - (c) reduction in pay within the pay grade for the employee's classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
 - (d) demotion to any position of a lower classification that the employee is deemed by the Appointing Authority and the Director to be competent to fill, accompanied by a reduction in pay which is within the pay grade range for the lower classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
 - (e) suspension without pay not exceeding one hundred twenty (120) calendar days.
 - (f) fine.

(Section 1.1. (a)-(f) and amended June 10, 1982, effective June 10, 1982)

RULE IX

- 1.2 In every case of termination of employment of a regular employee, the appointing authority shall conduct a pre-termination hearing as required by law and shall notify the employee of the disciplinary action being recommended prior to taking the action. (adopted January 21, 1988, effective February 1, 1988)
- 1.3 In every case of termination, suspension, reduction in pay, or fine of any employee in the classified service or of involuntary retirement or demotion of the employee, within five (5) working days of the effective date of the action, the appointing authority shall furnish the employee and the Personnel Director a statement in writing of the reasons therefore. The notification also must advise the employee of the possible right of appeal, which must be exercised within thirty (30) calendar days of the date of the disciplinary letter. (amended January 21, 1988, effective February 1, 1988)
- 1.4 In the event that any investigation conducted of any classified employee subject to L.R.S. 40:2531 is anticipated to exceed 60 days, the appointing authority shall, not later than 30 days after commencement of the investigation, advise the Director of the need for an extension of the time within which to complete the investigation pursuant to L.R.S. 40:2531(7). The Director shall assign the matter for the taking of testimony before a hearing officer and notify the appointing authority and the employee their rights to attend the hearing and to present evidence and arguments for or against the extension. The hearing officer shall, upon conclusion of the hearing, either grant or deny the requested extension. The hearing officer's action shall be ratified by the Commission at its next regular meeting. (adopted November 13, 2002, effective December 1, 2002)

RULE X

RECORDS

Section 1. PERSONNEL, PAYROLL AND ATTENDANCE RECORDS (amended December 13, 2004, effective January 1, 2005)

- 1.1 It shall be the duty of each appointing authority to comply with the personnel, payroll and attendance record keeping system established by the Director. It shall be the duty of the Director to advise and assist in these procedures. (amended April 20, 1995, amended December 13, 2004, effective January 1, 2005)
- 1.2 The appointing authority shall certify on the appropriate personnel or payroll record:
 - (a) the continuing authorized employment of a person in a position approved by the Civil Service Department.
 - (b) the actual rendering of service in that position.
 - (c) the actual number of hours worked in the applicable work period or absence from work on the appropriate authorized leave, or another approved method of describing the time worked in the payroll period.

For purposes of crediting an employee properly for a holiday, annual leave, sick leave, and other forms of leave the appropriate payroll records shall note that pay for such time is equal to the employee's leave day as defined in Rule I. (amended April 20, 1995)

(Section 1.2 (a) - (c) amended October 23, 1985, effective April 13, 1986, amended April 20, 1995.)

- 1.3 No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified service of the City until after certification by the Director that such payment is authorized and is in conformity with these Rules. The Director's approval of records relating to personnel transactions shall constitute certification within the meaning of this Rule.
- 1.4 If the Director in any case determines that any person has been employed in any position in violation of any provisions of the Law or these Rules, he shall notify the appropriate parties of the violation, and shall order that no compensation be paid until the matter is corrected to comply with the Law or Rules.

(Sections 1.1 - 1.4 amended April 7, 1982, effective April 7, 1982)

- 1.5 The Director shall prescribe personnel records on which appointing authorities shall certify the fact of lawful creation of a position and the fact of lawful appointment of a person to the position. The Director shall also indicate on these personnel records the proper allocation of the position. Only personnel records approved by the Director shall constitute authorization for initial placement of the name of a person on a payroll or for any change in

(RULE X)

the status of an employee already on the payroll. No person shall then be removed from a payroll, except in accordance with the Law and Rules. (amended April 7, 1982, effective April 7, 1982, amended April 20, 1995)

Section 2. AVAILABILITY OF RECORDS (amended December 13, 2004, effective January 1, 2005)

- 2.1 The Department of Civil Service is the official custodian of personnel and payroll records. As such, any and all such records shall be made available to the Director at his or her request. In addition, all analyses and permutations of these data shall be available at the time and in the format requested; any such request shall be made in a manner prescribed by the Director.
- 2.2 If a particular request or analysis of data cannot be made in a timely manner, a written explanation shall be forwarded to the Director within one (1) week.

Section 3. EXAMINATION OF PERSONNEL RECORDS

- 3.1 The Director shall, on a continuing basis, examine departmental payrolls and related records to determine whether or not the persons on such payrolls have been appointed, transferred, reinstated, continued or otherwise employed in violation of any provision of the Law and Rules or are being paid at a rate other than the duly authorized rate. (amended April 7, 1982, effective April 7, 1982)

Section 4. RECORDS OF THE DEPARTMENT OF CITY CIVIL SERVICE (amended December 13, 2004, effective January 1, 2005)

- 4.1 Except as specifically provided in this Rule, the records of the Department of City Civil Service shall be public records and shall be open to public inspection during office hours of the Department. For reasons of public policy, the following records shall be held confidential, except as provided by law:
 - (a) Examinations, examination materials, tests and the results of tests, except as provided in Rule V, Section 4.2.
 - (b) Confidential records and investigations on the character, personality and history of employees or candidates for positions in the classified service.
 - (c) Medical reports.
 - (d) Job Counseling & Evaluation Reports (service ratings).
 - (e) Social Security Numbers. (amended April 7, 1982, effective April 7, 1982)

RULE XI

SERVICE RATINGS

(as adopted December 9, 1953, amended May 19, 1954, April 10, 1975, July 22, 1975, May 11, 1978, February 28, 1979, June 9, 1983, and May 19, 1988, August 24, 1989, November 29, 1990)

Section 1. ADMINISTRATION

- 1.1 A uniform service rating system for all organization units is established, which system shall include provisions for periodic rating of employees on the basis of performance. The Director shall prescribe the form on which service ratings are to be made, and each organization unit shall use the form prescribed by the Director in accordance with these Rules and the instructions given on the official form and its accompanying manual.
- 1.2 The service rating period July 1, 1982 - June 30, 1983 is extended by six months to December 31, 1983. As of January 1, 1984, and annually thereafter, the appointing authority of each organization unit shall have a service rating made of each regular (permanent) employee in that organization unit who has worked in the classified service during that rating period.

However, if the employee has not worked for the current appointing authority for at least ninety (90) days during the rating period, the employee shall be rated by the appointing authority under whom the employee has most recently worked for at least ninety (90) days during the rating period. If the employee has not worked under any appointing authority for at least ninety (90) days, he shall be rated by the current appointing authority.

Service ratings shall be made by the supervisor designated by the appointing authority as the individual most familiar with the employee's work during the rating period. Such service ratings shall be prepared for all regular employees, including those currently serving in Emergency, Transient, Provisional or Probationary appointments. The service rating shall be discussed with the employee, and after such discussion the employee shall sign the rating, but this act of signing shall be evidence only of the fact that the rating has been submitted to the employee and discussed with the employee. Any refusal to sign shall be so noted on the official rating form. A rating made by the supervisor and signed by the employee shall then be reviewed by the appointing authority or the designated agent. The appointing authority or designate shall sign the rating as presented or as corrected and, when thus signed by the appointing authority or designate, the rating shall become effective as the official service rating of the employee for the period indicated thereon. Any modification by the appointing authority of the supervisor's rating of the employee shall be communicated to the employee and the supervisor.

(RULE XI)

- 1.3 The appointing authority shall submit the original copy of the completed service rating and a certified list of the employees who were rated to the Civil Service Department not later than March 1st of each year. (amended November 29, 1990, February 20, 1992)

If an appointing authority cannot submit an employee's evaluation by March 1, that appointing authority shall submit, by March 1, a written request for an extension to the Personnel Director stating the reason the rating was not submitted and the date the rating will be submitted, which will be prior to April 1. The majority of the department's ratings must be submitted by March 1, to be granted this grace period.

If an appointing authority fails to submit an employee's evaluation by March 1 and has not requested or received an extension to April 1 or fails to submit the rating by April 1 after an extension has been granted, the appointing authority will be in violation of this Rule and subject to sanctions by the Commission.

- 1.4 There shall be five possible service ratings, one of which shall be used in rating each employee. The service ratings are: "Outstanding", "Exceeds Requirements", "Competent", "Needs Improvement", and "Unsatisfactory".
- 1.5 Only those employees who receive an overall rating of "Unsatisfactory" or "Needs Improvement" shall have a right of appeal to a service rating appellate board consisting of three members which the appointing authority shall designate to hear such appeal. The appointing authority shall notify an employee, in writing, of an overall "Unsatisfactory" or "Needs Improvement" rating and shall inform the employee, in writing, of the employee's right to appeal the rating. Within thirty (30) days after receiving official notice of the "Unsatisfactory" or "Needs Improvement" rating, an appeal, if desired, must be made in writing by the employee, specifying what the rating should be and the reasons therefore. Within thirty (30) days after the filing of such appeal, the appellate board shall hear the appeal, have prepared an official transcribed or taped record of the proceedings, render a written decision either sustaining or modifying the rating which has been appealed and forward a copy to the employee and to the Personnel Director. (amended May 19, 1988, effective June 1, 1988; amended August 24, 1989, effective September 1, 1989)

(RULE XI)

- 1.6 After a final written decision of the appointing authority has been rendered, an employee whose overall rating remains "Unsatisfactory" or "Needs Improvement" may appeal to the Personnel Director for a further review of the service rating. The appeal to the Personnel Director shall be based solely on the official record established at the hearing of the appeal before the appellate board. A written appeal to the Personnel Director must be filed by the employee within thirty (30) days of the effective date of the decision of the appellate board. After review, a written notice of the final decision of the Personnel Director shall be provided to the employee and to the appointing authority. (amended May 19, 1988, effective June 1, 1988)
- 1.7 Once the "Unsatisfactory" or "Needs Improvement" rating has been determined to be final, the work performance of an employee who received the "Unsatisfactory" or "Needs Improvement" rating shall be reviewed by the appointing authority for a period of ninety (90) days. At the conclusion of this review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX. (amended May 19, 1988, effective June 1, 1988)
- 1.8 The Director may investigate the accuracy of reports of ratings under the system adopted, and may adjust the ratings to conform to the facts as ascertained.

(Sections 1.1 - 1.8 amended June 9, 1983, effective June 9, 1983)

(Sections 1.5 - 1.7 amended May 19, 1988, effective June 1, 1988)

Department of Safety and
Permits
Policy Manual



Taxicab and For Hire
Vehicle Bureau Command
Memorandum

Effective Date
July 29, 2011

CITY OF NEW ORLEANS

TFHB.CM.11.001
Work Rules

Applicable To: All TFHB Personnel

Approval Authority: Deputy Director M. S. Hull

Signature: Malachi S. Hull

Date Signed: 29 JUL 11

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1. PURPOSE

To establish a set of work rules and a general code of conduct for all employees of the Taxicab and For Hire Vehicle Department (TFHB).

2. POLICY

The Taxicab and For Hire Vehicle Department (TFHB) shall develop and maintain a set of work rules and a general code of conduct to regulate employee's behavior that shall reflect the highest standards of professionalism and customer service. All employees shall comply with established work rules and the general code of conduct. All violations of established work rules shall be investigated fairly, uniformly, and equitably.

3. RESPONSIBILITIES

3.1 All supervisors are responsible for ensuring that all employees comply with this directive and for reporting and investigating violations.

3.2 All employees of the TFHB are responsible for complying with this directive.

4. ACTION

4.1 Professional Conduct and Responsibilities

1. Employees of the Taxicab and For Hire Vehicle Bureau (TFHB) shall observe and abide by the following work rules that pertain to on duty and off duty situations:

4.1.1 Appropriate Action Required

1. Employees shall respond in an appropriate manner to all situations by:

2. Being considerate of the rights, feelings, and interests of all persons.

3. Taking action in any given situation to provide the necessary and appropriate action and insuring the proper notification of supervisors when the environment calls for such.

4. Requesting the assistance of supervisors when the appropriate action required is unclear, not possible given circumstances, or not within the scope of authority of the employee of whom such action was requested.

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5. Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.

4.1.2 Cooperation

1. Employees shall cooperate with other employees and with the employees of other public agencies as necessary for the accomplishment of professional responsibilities.

4.1.3 Truthfulness

1. Employees shall be truthful in their written and spoken words at all times.

4.1.4 Conduct

1. Employees will not act in an official or private capacity in any manner that shall bring discredit upon the City or themselves.

4.1.5 Obey the Laws

1. Employees shall uphold the Constitutions of the United States and the State of Louisiana, obey all applicable federal, state, and local laws, and comply with all applicable court decisions and orders of the courts.

4.1.6 Criticism

1. Employees shall not publicly criticize any employee or any order, action, or policy of the City except as officially required. Criticism, when required, shall be directed only through official City channels, to correct any deficiency, and shall not be used to the disadvantage of the reputation or operation of the City or any employees.

4.1.7 Suspended Employees

1. Suspended employees shall surrender their City identification cards and City issued equipment to their immediate supervisor for the period of their suspension.

4.1.8 Soliciting Gifts, Gratuities, Fees, Loans, Etc.

1. Employees shall not solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between the solicitation and their employment with the Department

4.1.9 Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

1. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value arising from or offered them because of their employment with the City of New Orleans.
2. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or other thing of value that might tend to influence their actions or that of any other employee in any matter of City business.
3. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value, which might tend to cast an adverse reflection on the City or any employee thereof.

4.1.10 Reward

1. Employees shall not accept any reward, of any kind, from any persons, without the prior written permission of the Deputy Director.

4.1.11 Bribery

1. Employees shall not accept any money, gratuity, loan, fee, gift of any kind, or any other thing of value, from any person if the purpose is intended to influence the employee in the performance of their official duties.

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4.1.12 Using Position for Personal Gain

1. Employees shall not use their official position, identification, or employment with the City for financial gain.

4.1.13 Confidentiality of Department Business

1. Employees shall treat as confidential the business, activities, files and reports of the Department. They must not impart knowledge of the above except to those who have a "right to know". Employees shall also comply with any nondisclosure agreement(s) in which they have entered.

4.1.14 Right to Know

1. Employees who are unable to determine an individual's or organizations "right to know," shall refer the matter to a supervisor.

4.1.15 Provide Telephone Number

1. Employees shall maintain telephone service and provide the Department and their immediate supervisor with that number. Any change of telephone number shall be immediately reported in writing. Telephone numbers shall be kept confidential.

4.1.16 Report of Change of Address

1. Employee shall keep the Department and their immediate supervisor informed of their current place of residence. Any change of address shall be immediately reported in writing. Addresses shall be kept confidential.

4.1.17 Threat or Violence to an Employee

1. Employees will not threaten, strike, accost, or attempt to strike any other employee or threaten any violence against another employee.

4.1.18 Personal Business

1. Employees shall not use any property, equipment, or facilities purchased, leased, or owned by the City to conduct personal business.

4.2 General Conduct on Duty

1. Employees of the Department shall observe and abide by the following work rules while on duty or representing the Department:

4.2.1 Public Service

1. Employees shall promptly, courteously, and effectively assist the public. A citizen's need for assistance takes precedence over any activity, except those of an emergency nature. Routine Department business shall not take precedence over providing service to the public. Prompt assistance shall be rendered whether requested in person, by telephone, or by letter. Employees shall provide immediate attention to the needs of any person without referral to any other employee or agency unless this cannot be avoided.

4.2.2 Courtesy

1. Employees shall be civil, orderly and courteous to the public, co-workers, and supervisors and will not use coarse, insensitive, abusive, violent, or profane language.
2. When in public, in an on-duty capacity or official capacity, employees shall be referred to by their appropriate rank, position, and/or title.



4.2.3 Responsibilities of Supervisor

1. Supervisory employees shall enforce the rules and regulations of the Department and shall ensure the proper conformity to Department policies and procedures.
2. Supervisors shall take immediate, appropriate action(s) and document when the conduct of any employee is contrary to the public interest or the good reputation or proper operation of the Department.

4.2.4 Manner of Issuing Orders

1. Supervisors shall issue orders to employees in a clear, articulate, understandable, and professional manner.

4.2.5 Unlawful Orders

1. Supervisors or any employee with ability to issue orders are prohibited from issuing any order which is in violation of any law or Department rule, regulation, directive, or procedure.

4.2.6 Obedience to Unlawful or Improper Orders

1. Employees are not required to obey an order that is improper or contrary to federal, state, or local laws or Department rules, directives, or procedures. Obedience to an unlawful or improper order is never a defense for unlawful or improper action.
2. The responsibility for refusal to obey an order rests with the refusing employee who shall be required to justify his/her actions.

4.2.7 Improper Orders

1. Employees who receive an improper or unlawful order shall, at the first opportunity, report the facts of the incident and the action taken in writing to the Deputy Director through the chain of command. If the Deputy Director is unavailable, then notify his/her designee.

4.2.8 Conflicting Orders

1. Upon receipt of an order conflicting with any previous order, instruction, or directive, the employee affected shall, when practicable, advise the person issuing the second order of this fact in writing.
2. Responsibility for countermanding or revoking the original instruction rests with the individual issuing the second order.
3. If so directed by a supervisor, the latter command shall be obeyed, unless that command is unlawful or improper.

4.2.9 Obeying Supervisory Personnel

1. Employees shall promptly obey all proper and lawful orders of supervisors and other employees assigned to act in a supervisory capacity, including any order relayed from a superior by an employee of the same or lesser rank.

4.2.10 Chain of Command

1. Employees shall conduct all official business through the chain of command. While lateral communication is encouraged, employees shall inform immediate supervisors of significant matters and parties involved in such lateral communications.

4.2.11 Forwarding Written Communication



1. Employees who receive a written communication from another employee directed to a higher authority shall initial and promptly forward it through the chain of command, indicating approval or disapproval, and shall make such explanatory comments as the matter requires so as to fully informing the higher authority.

4.2.12 Discrimination

1. Employees shall not allow any of their actions or decisions to be affected by prejudice of gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political belief.

4.2.13 Discriminatory References

1. Employees shall not refer to any person in a derogatory manner because of their gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political preference.

4.2.14 Intoxicants, Stimulants, or Depressants

1. Employees shall not consume intoxicants or illegal substances while on duty nor shall they consume intoxicants or legal or illegal substances to the extent that performance is impaired.
2. The smell of intoxicants on the breath or any impaired performance resulting from the use of intoxicants or legal or illegal substances by an employee reporting for duty or on duty is grounds for disciplinary action. The employee shall be immediately relieved from duty.
3. Intoxicants or illegal substances shall not be consumed in any Department facility or vehicle.

4.2.15 Physical Fitness for Duty

1. Employees shall maintain such physical condition that they can fulfill the duties of their assignments.

4.2.16 Sleeping on Duty

1. Employees shall not sleep or doze during the time they are on duty and are responsible for reporting to work physically able to appropriately complete the tour of duty.
2. Employees unable to remain awake or complete the tour of duty shall report to their supervisor who shall take appropriate action.

4.2.17 Malingering or Pretending

1. Employees shall not attempt to avoid their duties by feigning illness or by giving a false impression that they are performing their duties.

4.2.18 Punctuality

1. Employees shall be punctual when reporting for duty or reporting or performing any official act.

4.2.19 Absence from Duty

1. Employees shall not absent themselves from their assignment without permission from a supervisor or until properly relieved.

4.2.20 Keeping Up to Date

1. Employee reporting for duty shall acquaint themselves with events that have taken place since the end of their last shift that pertain to their responsibilities or assignment.

4.2.21 Submitting Reports



1. Employees shall submit all reports which are required of them as promptly, correctly and completely as possible.

4.2.22 Identification Cards

1. While on duty and not in uniform, in City facilities, employees shall wear the department's issued photo identification card above the waist.
2. While on duty and not in uniform, outside department's facilities, employees shall have the department issued photo identification card readily available on their person. Employees working undercover assignments are exempt from this requirement or at the discretion of their supervisor.

4.2.23 Giving Identification

1. Employees shall identify themselves by name, assignment and department issued identification card upon request while on duty or performing their official duties unless doing so would compromise their safety or the safety of others due to the nature of their assignment or the task.

4.2.24 Senior Employee in Charge

1. When two or more employees of equal rank are simultaneously engaged in the same operation, the employee with longest service in rank shall be in charge, except when otherwise designated by a supervisor or Department policy.

4.2.25 Private Business

1. Employees shall not conduct private business while on duty. Lunch periods are exempt.

4.2.26 Peddling and Soliciting Prohibited

1. Employees shall not peddle or solicit in Department facilities or on Department property unless authorized by the Deputy Director, or his/her designee.

4.2.27 Loitering by Public

1. Employees shall not permit persons to loiter on Departmental premises or in a Department facility or vehicle, unless they are official business.

4.2.28 Department Correspondence

1. Employees shall not use Department stationery, postage, duplicating machines, typing support, or other equipment, except for official Department correspondence.

4.2.29 Recovered Property

1. Employees shall be responsible for all property coming into their possession. Employees shall handle all property in accordance with Department policy and procedure.

4.2.30 Recommending Attorneys, Bondsmen, Etc.

1. Employees, while on duty or acting in an official capacity, shall not recommend an attorney or bondsman nor act as a bailor.

4.2.31 General Appearance

1. Employees shall be neat, clean, and well groomed while on duty. Dress shall be appropriate given the position and/or function of the employee and reflect standards that depict public service employees in the best possible image.
2. Employees shall not wear articles of clothing or ornamentation while on duty if the wearing, or the article itself,



symbolizes or represents an organization or philosophy which supports discrimination in any form or any other abridgement of human rights.

4.2.32 Conformance to Directives

1. Employees are required to familiarize themselves with, and conform to, the rules, regulations, directives, and standard operating procedures of the Department.

4.2.33 Abuse of Leave

1. Employees shall not misuse or abuse the leave policies, procedures, practices, or records of the Department.

4.2.34 Job Actions Prohibited

1. Employees shall not, at any time, under any circumstances, participate in any job actions or apparent job actions (i.e., strikes, walk-outs, work stoppages, work slowdowns, or "sick-outs", etc.)

4.2.35 Unsatisfactory Performance

1. Employees shall maintain sufficient competency to perform their duties and assume the responsibilities of their position. Employees shall perform their duties in a manner which shall establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.
2. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a situation or incident deserving a public safety employee's attention; absence without leave; or unexcused absence from a duty assignment during a tour of duty.
3. In addition to other indications of unsatisfactory performance, repeated poor evaluations and/or repeated infractions of Department directives shall be considered probable evidence of unsatisfactory performance of duty:

4.2.36 Outside Employment

1. Employees shall not engage in any employment outside the Department without the prior written permission of the Deputy Director or his/her designee.

4.2.37 Understanding Directives

1. Employees who do not understand an official Department directive or procedure shall seek the advice of their supervisor.

4.2.38 Call to Duty

1. Employees shall be subject to work variations of shifts and shall be prepared to assume scheduled hours if ordered by a supervisor.

4.2.39 Available for Service

1. Employees shall keep themselves available for service at all times while on duty unless they are on specific assignment.

4.2.40 Wearing of Uniforms and Equipment

1. Employees shall comply with the standards and regulations that address the wearing of Department uniforms and equipment.



4.2.41 Radio to Remain On

1. Employees who have been assigned a radio for communicating purposes shall ensure that the radio is fully operational, powered, audible, and tuned to the appropriate frequency at all times while on duty unless otherwise authorized by a supervisor or necessary for the safety of the employee.
2. Employees who have been assigned a Department or City issued communication device shall ensure that the communication device is fully operational, powered, and audible while on duty unless otherwise authorized by a supervisor or necessary for the safety of the employee.

4.2.42 Interfering with Radio Communication

1. Employees shall not willfully, intentionally, or otherwise interfere with radio communication except in exigent circumstances.
2. Inappropriate use of radio communication is prohibited.

4.2.43 Abuse of Authority

1. Employees shall not use their authority to abuse, harass, oppress, or persecute any person.

4.2.44 Off-Duty Employee in Uniform in Public

1. Employees appearing in public in uniform shall be considered on duty and must be prepared to assist the public by taking whatever public safety action is appropriate and necessary.

4.2.45 Outside Affiliation

1. Employees shall not affiliate with, or become or remain a member of, any organization if such affiliation would in any way interfere with or prevent them from performing their duties as employees of the Department.

4.2.46 Conflicts of Interests

1. Employees shall not invest or hold investments, directly or indirectly, in any financial, business, commercial, or other private transaction which creates, or gives the appearance of creating, a conflict with their official duties.
2. Employees shall not be or become interested, directly or indirectly, in any manner, except as provided by law, in any business dealings with the City of New Orleans.

4.2.47 Fraternizing with Person(s) of Questionable Character

1. Employees shall not fraternize or associate in a personal, social, or financial relationship with any person(s) of questionable character.

4.2.48 Access to Places of Business

1. Employees shall not have a key, access card or code to any place of business on their assigned area of patrol or relating to their assignment without the written permission of their supervisor.

4.3 Conduct and Appearance Required

4.3.1 Conduct and Appearance in Court

Employees appearing in court or on behalf the TFHB shall:

1. Be punctual and prepared as appropriate.
2. Conform to the court's rules of conduct.



3. Obey all orders of the court.
4. Dress appropriately according to the court's standards.
5. Be truthful at all times.
6. Attend court as scheduled and/or when subpoenaed.

4.3.2 Subpoenaed as Defense Witness

1. Employees subpoenaed as a defense witness in a criminal or civil case shall immediately notify, in writing, their immediate supervisor and forward a copy to the Law Department. Employees do not need permission from a supervisor or the Department to attend court as a defense witness and must comply with the requirements of the subpoena.

4.3.3 Arrest of or Court Actions Involving an Employee

1. Employees who has been arrested or becomes involved in any court action, in any capacity other than as a witness for the prosecution, shall immediately notify the Deputy Director or his/her designee in writing through the chain of command.

4.4 Department Property and Equipment

1. Employees of the Department shall observe and abide by the following work rules while on duty or representing the Department as it concerns property and equipment.

4.4.1 Responsibility for an Examination of City Property

1. Employees shall be responsible for the condition and the prompt reporting of loss, damage, or defect of all Department or City property placed in their custody or use.
2. Before use, employees shall examine any city vehicle or property assigned to them, report unrecorded damage or operational defects to their supervisor, and submit the necessary written reports.
3. If property is lost, stolen, or damaged, a detailed report shall be made immediately. The immediate supervisor of the employee shall review the report and submit an investigative report through the chain of command to the Deputy Director or his/her designee.

4.4.2 Operator to be Qualified and Authorized

Employees shall not operate a city vehicle or vehicles used for law enforcement purposes unless they are qualified and authorized to do so and possess a valid driver's license.

4.4.3 Use of City Vehicles

1. Employees shall use a city vehicle only in the course of official business. No person shall be transported in a city vehicle except in the course of official business.
2. Employees shall not operate personally owned vehicles as a vehicle used for law enforcement purposes, not to include using their vehicle to commute to and from their assignment and work place.
3. Taxicab and For Hire Vehicle Department (TFHB) personnel shall operate all city vehicles in such a manner as to avoid injury to themselves, other persons or damage to property at all times.
4. Taxicab and For Hire Vehicle Department (TFHB) personnel shall park all city in such a manner as to cause the least interference with traffic flow without compromising their safety.
3. Employees shall abide by take home or work vehicles established by C.A.O. policies.

4.4.4 Vehicle Appearance



1. Employees assigned to operate city vehicles are responsible for ensuring their cleanliness.

4.4.5 Safe Driving Techniques

1. Taxicab and For Hire Vehicle Department (TFHB) personnel shall exercise due caution and exhibit good driving habits when operating all city vehicles and vehicles used for law enforcement purposes.

4.4.6 Vehicle Maintenance Checklist

1. Employees shall complete a vehicle checklist before operating a city vehicle on a tour of duty. The completed vehicle checklist shall be kept on file, ready for inspection, for 60 days.

4.4.7 Personal use of property

1. Employees shall not convert to their own use, or have any claim on, any found or recovered property, property held as evidence, or property purchased, leased, or owned by the Department or the City.

4.5 Office Courtesy

4.5.1 Supervisors will ensure that work sites are staffed and telephones are answered during the working hours of the work site, unless approved otherwise by the division commander.

4.5.2 General Considerations

1. Employees will make every effort to answer each call and greet each visitor in a courteous and efficient manner. The employee greeting the visitor or caller will attempt to handle the request personally, but if the employee is unable to supply the requested information or service, he or she will make sure that the office or person to whom he or she refers the call is the appropriate one.
2. Answer all calls and greet all visitors immediately.
3. Do not use slang, coarse language or profanity.
4. Keep current Department and City government telephone listings and a message pad at each telephone location.

4.5.3 Telephone calls

1. Greet callers courteously with a statement identifying the work site and name of the person answering. For example, "Good morning, this is the Taxicab and For Hire Vehicle Department, Ms. Holmes speaking." Or, "Taxicab and For Hire Vehicle Bureau, Investigator Jones speaking."
2. If the person asked for is unavailable, offer to either take a message or allow them to leave a voicemail. If it is necessary that the caller must wait place the caller on hold. If the call has not been picked up after a reasonable time, ask if the caller wants to continue holding or to leave a message.
3. If it is necessary to transfer a call, inform the caller that he or she is being transferred and state the office and telephone number to which the call is being transferred. Stay on the line to be sure that the call goes through correctly.
4. Personal information about an employee will not be given out over the phone. Home phone numbers, cell phone numbers, or addresses are not to be released outside the chain of command unless approved by a supervisor. If the caller identifies himself or herself as an employee of the Department and wants this personal information, refer him or her to the Human Resources Office.

4.5.4 Responding to Telephone Calls and Mail

1. When possible, requests for information or action by telephone will be responded to immediately. When the person receiving the call must take a message for the intended recipient, the message must be thorough and include a

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callback number and the date and time it was taken. The message must be delivered and responded to within 2 business days of the original call.

2. The Office Management Specialist II or designee will return telephone calls within 24 hours of returning to work.
3. Requests for information or action by mail or fax will be responded to within three business days. These requests will be logged, to indicate the date of receipt, to whom forwarded for response, and the date of response.
4. All sections will maintain a log in which all incoming telephone calls and written correspondences are entered, which will be kept at the work site for at least 12 months.
5. The Office Management Specialist II will review the log to ensure compliance.
6. The log will contain the following:
 - a. Date of correspondence
 - b. Time received
 - c. Identification of correspondent
 1. Name
 2. Telephone Number, including area code.
 - d. Subject matter
 - e. Action taken

4.5.5 Visitors

1. Greet visitors courteously, and notify the appropriate staff member of the visitor. If the staff member is unavailable, offer to take a message or find someone else who can assist him or her. If there will be a wait, estimate how long it will be and offer the visitor a seat.
2. If a visitor must be referred to another office, be sure that the directions are clear. If the destination is in the same building, consider escorting the visitor to minimize confusion, if possible.

4.5.6 Messages

Take a full message, with the name of the caller or visitor, his or her organization and telephone number, the date and time, and any message the caller or visitor wants to relay. Sign or initial the message legibly. Put the message where the intended recipient will readily see it or deliver the message.

4.5.7 Urgent Communications

Be responsive to the urgency of visitors and callers; if the matter is urgent, ask them if they need to interrupt a meeting or page the person they need. It is generally appropriate to interrupt a meeting for the person's supervisor, but ask the person's supervisor first. If a call or visit is urgent, make extra effort to find the appropriate person.

4.6 Use of Tobacco or Tobacco Products

4.6.1 Employees will not use any tobacco or tobacco products while interacting with general public.

4.6.2 Use of Tobacco in Department Facilities

1. Use of any type of tobacco product is prohibited in any building, office, work area, or other structure, which is owned, leased, or in any manner operated under the control of the City

4.6.3 Use of any type of tobacco product is prohibited in vehicles that are owned, leased, or in any manner operated under the

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control of the City.

4.7 Cellular Phone Use while on Duty

4.7.1 Employees are authorized to use city cell phones to conduct Departmental business.

1. Employees will not use cellular telephones to conduct Departmental business that should otherwise be broadcast over the radio.
2. Cellular telephones may be used to allow additional communication between employees but does not relieve personnel from using the radio for disseminating and documenting information.

4.7.2 Employees will not use a cellular phone for personal business while interacting with the general public.

4.7.3 Employees will not use a cellular phone, with or without a hands free option, while operating a city vehicle.

5. DEFINITIONS

N/A

6. CANCELLATIONS

N/A

7. REFERENCES

THE SHLOSMAN LAW GROUP

Malachi Hull
Deputy Director
Taxicab and For Hire Bureau
Dept. of Safety and Permits
1300 Perdido St., Suite 2W89
New Orleans, LA 70112

Dear Mr. Hull,

Numerous tour guide companies throughout the French Quarter have retained me to handle legal matters surrounding the systematic threats, harassment and reprisals your investigators have subjected them to beginning on October 18, 2013. Let this letter be a formal request for you to immediately cease and desist this behavior.

Please be aware that I will be filing a temporary restraining order and a preliminary injunction seeking a court order that will immediately prevent your investigators from any further violation of my clients' constitutional rights. Title 42 of the United States Code § 1983 made relief, in the form of money damages, available to those whose constitutional rights had been violated by an actor acting under State authority.

I have obtained more than fifteen affidavits from tour guides with five different companies that have given specific instances of misconduct on the behalf of your investigators ranging from allegations of bribery and shakedowns to extreme harassment and intimidations.

Please be aware that we have full intentions to seek legal action to the fullest extent permitted by law.

Sincerely,



Thomas W. Shlosman

607 ST. CHARLES AVE.
NEW ORLEANS, LA 70130
SHLOSMANLAWGROUP@GMAIL.COM
(504) 453-0607 (O)
(504) 581-5588 (F)

Witness Home Phone: Home Phone

Details of Complaint: I have sent two written statements of complaint regarding Mr. Joiner's harrassment of walking tour guides to the Inspector General's Office Attn: Ethics Review Board. I call the office today to follow up and they were very helpful giving me the name of Ms. Kristen Morales to follow up with. It was also suggested that I fill out the online complaint form here to ensure that I was reaching the correct parties.

I am also seeking information regarding what powers and authorities investigators with the taxi cab bureau actually have. All I can find in the city municipal code is that they can issue citations to tour guides. However as you will see from the text of my specific complaints below, this does not seem to cover the breadth of the actions Mr. Joiner has been engaging in.

Below you will find the text of my two letters. I would appreciate a follow up at your earliest convenience.

Second and Most Recent Letter:

November 11, 2013

To Whom It May Concern:

I am writing to make a formal complaint against Mr. Milton Joiner, badge #113, an investigator with the taxi cab bureau. I am a licensed tour guide with French Quarter Phantoms, LLC.

On November 9th at approximately 9:35pm I was leading my tour group down Governor Nicholls away from Royal St. in the direction of Chartres St. As I approached the middle of the block I witnessed Mr. Joiner holding Ms. Wendy, a tour guide with Haunted History tours, in an arm-lock bent over a vehicle on the side of the street. She was yelling in pain and begging people standing by to ?get him off me.? She continued to cry in pain until police arrived. Mr. Joiner claimed that the reason he was detaining her was that she was not 50ft from other tour groups. To the best of my knowledge this is a blatant lie as there were no other tour groups doing tour narration anywhere on that block at the time.

Please allow me to stress that I absolutely don't mind submitting to the routine checks that we are given. I strongly support the regulations that allow us to work and be at peace with the residents with whom we share our streets and keep inaccurate information from being spread. However what I witnessed clearly constitutes an unprovoked physical assault on a licensed tour guide engaged in legal business activities in the French Quarter. Mr. Joiner has been harassing us and our tour groups for several weeks now and is continually violating our constitutional rights. He has created a state of fear for those of us trying to engage in our legal rights to do business. I strongly plead that something be done immediately to resolve this situation.

I am aware that Mr. Joiner was suspended in 2011 for harassment of tour groups and their guides. This combined with his continued outrageous and reprehensible abuses of power seem to demand that he be removed from his position.

I would like a formal response to my complaint. If I do not hear back from you within ten days of this letter, I shall follow up with you. If you need any other information from me, feel free to contact me. My email address is
or you may write to me at
from you concerning this issue. I look forward to hearing

Sincerely,

First Letter:
October 26, 2013

To Whom It May Concern:

I am writing to make a formal complaint against Mr. Milton Joiner, badge #113, and investigator with the taxi cab bureau. I am a licensed tour guide with French Quarter Phantoms, LLC.

On Thursday, October 17 I was stopped by an investigator with the taxi cab bureau at the LaLaurie Mansion around 7:25 pm to check my license. I believe the investigator was Mr. Milton Joiner badge #113.

This is the third or fourth time in the past several years I have been stopped to have my license checked. Each other time the officer has been very considerate, waited until I have finished my story, and then walked up beside me to ask for a quick glance at my license. Tonight the officer pulled up behind me in the middle of the street with his lights blazing, interrupted my story and told me to come show him my license. I complied and he said, \"Wait... let me get out of the street\", whereupon he pulled up to the side of the road and made me come down the street away from my tour group to him. He asked to see my license and I held it up to him. He snapped at me to take it out of my transparent case and then took my license and started taking down all of my information. I asked him very politely if there was a problem to which he very testily replied that, \"no there no problem we are just checking cause that's what we are supposed to do. We have been getting too many complaints of tour groups too close together and out past 10 pm.\" He paused for a moment and then said, \"And you guys are too close together.\" He was referring to me and a Haunted History tour guide down the street. I was in front of the driveway on Governor Nicholls across from the mansion, and she was on the corner of Governor Nicholls and Royal. In my opinion we were a good 50 ft. apart from each other, so I asked him very politely if the rule was indeed 50 ft. as I thought. He said, \"yes, but you aren't 50 ft. apart.\" He finished taking down my info and calling it in, asked me for a second time what company I was with, and proceeded to hand me back my license and drive away lights still on.

Please allow me to stress that I absolutely don't mind submitting to the routine checks that we are given. I strongly support the regulations that allow us to work and be at peace with the residents with whom we share our streets and keep inaccurate information from being spread. I strongly support licensing tour guides in general. However, I do mind being horribly embarrassed in front of my guests and being spoken to and treated like a criminal when I am doing exactly what I am supposed to and following all of the regulations. I am painstakingly careful about this. His attitude, tone of voice, whirling lights, and most of all interruption of my tour from the middle of the street, are what made me feel that he was disrespectful and unprofessional. It caused me to look ridiculous, and like I was doing something wrong, to my guests. This reflects poorly on me, my employer, and the tourism industry as a whole. After he left I had to engage in damage control with my group explaining that I actually didn't get in trouble and everything was fine, but it strongly affected the tone of my tour for the rest of the evening.

Mr. Joiner has also caused a number of other disruptions to tour groups that I have both personally seen and been informed of. I have seen him forcing tour groups to move down the street even though they are nowhere near another tour group, by claiming that they have been there ?too long?. There is no city ordinance limiting the length of a stop. I have seen him repeatedly wearing a firearm even though it is my understanding that this is against regulations. He has forced tour guides to take breathalyzer tests during their tour with no probable cause of search. He has ticketed tour guides for being out after 10pm even though they had finished their tour and just happened to be still wearing their licenses.

I am aware that Mr. Joiner was suspended in 2011 for harassment of tour groups and their guides and as this action does not seem to have had an effect I believe that harsher measures may be in order.

I would like a formal response to my complaint. If I do not hear back from you within ten days of this letter, I shall follow up with you. If you need any other information from me, feel free to contact me. My email address is

or you may write to me at
from you concerning this issue in the near future.

I look forward to hearing

Validation: 7725

IP address: 174.70.103.130

x: 20

y: 17

tntcon: 06a50e3f66db4a334202d3adfd31c589a4xn

utma: 90640645.104702143.1384210060.1384210060.1384210060.1

utmcc: 90640645

utmz: 90640645.1384210060.1.1.utmccn=(referral)|utmcsr=google.com|utmctt=/|utmcmd=referral

utmb: 90640645

Warning: Cannot modify header information - headers already sent by (output started at /home/nolaoig/public_html/main/inside.php:6) in **/home/nolaoig/public_html/mod-admin/sources/complaint_thank_you.php** on line **37**

MEMORANDUM OF INTERVIEW

On 11/15/13, Investigator Kristen Morales and Investigator Michael Centola of the City of New Orleans Office of Inspector General (OIG), met with Luke Siddall, Tour Guide Operator, French Quarter Phantom Tours, to receive a complaint against City of New Orleans Taxicab Bureau Investigator Wilton Joiner. Siddall resides at _____, mobile number _____.

LA Drivers License number _____ Tour Guide License number _____. Prior to Siddall being employed as a tour guide operator, he was an operations manager for a charter school in New Orleans, LA. Siddall was aware of the identities of the OIG personnel and the purpose of the interview; he then voluntarily provided the following information:

Siddall stated that he has had several "run ins" with Joiner and has filed two complaints with the City of New Orleans Taxicab Bureau. Siddall said that because of an incident he witnessed on 11/9/13, he would like to file a complaint with the OIG for resolution.

On 10/17/13 Siddall said that he was stopped by Joiner at the second to last stop of his tour, (The LaLaurie Mansion,) around 7:25 pm to check his license. Joiner pulled up behind Siddall in the middle of the street in a white SUV with police lights turned on and interrupted his tour guide story and ordered Siddall to show Joiner his license. Siddall complied. Joiner then pulled down the street and advised Siddall to come with him, away from his tour group. Joiner again requested to see his license and Siddall visibly held it up to Joiner. Siddall asked Joiner if there was a problem to which Joiner replied "no, there is no problem we are just checking cause that's what we are supposed to do." Joiner then said, "we have been getting too many complaints of tour groups too close together and out past 10 pm, and you guys are too close together." Joiner was referring to Siddall and a female Haunted History Tour Guide down the street. Siddall stated that he was in front of the driveway on Governor Nicholls across from the LaLaurie Mansion, and she was on the corner of Governor Nicholls and Royal. Siddall stated that he was a good fifty feet away so he asked Joiner if the ordinance was indeed 50 feet? (OIG NOTE: New Orleans Code of Ordinances Sec. 30-1489 *Walking tour guide rules and regulations* states; "During a tour narration, tour groups shall maintain a distance of 50 feet from another tour group.") Joiner said "yes" but you aren't 50 feet apart. Joiner finished taking down Siddall's information and preceded to hand back his license and drive off with the police lights still on. Siddall described Joiners' attire that evening as; black top with pads on top of his shoulders and black pants. He said that he would usually see Joiner wearing a tan shirt with the City's Logo on it.

Siddall stated that on 11/09/13 he saw Joiner hanging out on the corner of Governor Nicholls, near the LaLaurie Mansion. At 9:35pm Siddall lead a tour down Governor Nicholls (away from Royal St. in the direction of Chartres St). As he approached the middle of the block he witnessed Joiner physically restraining Wendy Bosma, Tour Guide Operator, Haunted History Tours, by having her bent over a car with her arm bent behind her back. Siddall said Bosma was yelling in pain "ouch" "ouch" and begging people standing by to "get him off me." She continued to cry in pain and shouted "get him off of me." Siddall said Bosma continued to yell until police arrived. Siddall said he did not know what to do because he had previously seen Joiner with a gun holstered on his hip. Siddall said that he saw Malachi Hull, Director of the Taxi Cab Bureau, at the scene and was talking to the police. Siddall said he heard Hull tell the officer that Joiner does have the power to detain. Siddall then witnessed Hull and Joiner talking with David Whiddon, property owner of 629 Governor Nicholls St., and another older white couple. Siddall stated that he did not do anything because he has previously seen Joiner wearing a gun.

Siddall stated that one weekend between October 17th-November 9th 2013 (Siddall could not recall the specific date), he was in the process of leading a tour group when he witnessed Joiner and Whiddon. Siddall said that they appeared very "friendly" and after the conversation ended between the two gentlemen, Joiner shook Whiddon's hand and then proceeded to place something in his back pocket. Siddall indicated that Sandy Hester, Manager of French Quarter Phantom Tours, also witnessed this exchange between Joiner and Whiddon. Siddall said he was not able to see what Joiner had in his hand but indicated that there was something "weird" about the handshake, because it was like he had something in his hand.

Siddall stated that he has seen Joiner wearing a firearm more than once and deemed it a habit. Siddall described Joiner wearing a gun in the same manner a police officer would. Siddall said he was advised by fellow tour guide operators to be careful of Joiner because he has forced tour guides to take breathalyzer tests during their tour with "no probable cause of search." Siddall said that along with his City Issued Tour Guide Permit, he also carries the Code of Ordinances Sec. 30-1489, pertaining to the rules and regulations of walking tours in New Orleans.

MEMORANDUM OF INTERVIEW

On 12/10/13, Investigator Kristen Morales of the City of New Orleans Office of Inspector General (OIG), met with Wendy Bosma, Tour Guide Operator, Haunted History Tours. Bosma resides at _____, LA Drivers License number (_____), email:

Bosma has been a Tour Guide Operator since October 2012. Prior to being a Tour Guide Operator, Bosma held various positions including Bartending and Waiting Tables. Bosma was aware of the identity of the OIG personnel and the purpose of the interview; she then voluntarily provided the following information:

Prior to speaking with the OIG, Bosma has spoken with the New Orleans Police Department (NOPD), various radio and news stations regarding an incident on 11/09/13 involving herself and City of New Orleans Taxicab Bureau employee, Wilton Joiner.

Bosma stated that she has been stopped by Taxicab Bureau personnel on 2 occasions, not including this recent incident involving Joiner. She said that the first time she was stopped, (could not recall Taxicab Bureau employee's name) she was asked about the 50ft foot rule but was able to proceed with her tour (OIG Note: New Orleans Code of Ordinances Sec. 30-1489 *Walking tour guide rules and regulations* states; "During a tour narration, tour groups shall maintain a distance of 50 feet from another tour group."). The second time, a female Taxicab Bureau employee stopped her and the employee checked her id with a flashlight and Bosma continued on with her tour.

On 11/09/13 Bosma went in for her shift at Haunted History Tours. She arrived at 6pm for a 7pm tour; however, other Tour Guide Operators who have seniority did the tour. Bosma had to return for 7pm for the 8pm tour. On this evening, Bosma had 28 persons on her tour. Bosma stated that her tour starts at "Pirates Alley" and there she gives the "rules and regulations" of the tour (OIG Note: The location of Pirates Alley is on the side of St. Louis Cathedral and backyard garden.) The tour then starts with Bosma telling the "Julie Story" in front of 632 Dumaine St. After the "Julie Story" Bosma leads the tour to the "school parking lot" where she tells the story of "Richard Sims" (OIG NOTE: There is a school also known as "the Little Red Schoolhouse" located on the corner of Royal and St. Philip). Bosma leads her tour to the "Blacksmith Shop" for a "30 minute bar break" (OIG NOTE: Lafitte's Blacksmith Shop is a tavern located on the corner of Bourbon Street and St. Philip Street). After the "bar break" Bosma leads her tour to the "LaLaurie Mansion" (OIG NOTE: LaLaurie Mansion is a historic building located at 1140 Royal St.).

Bosma stated that prior to leaving the Blacksmith shop she told the persons on her tour group, "just in case we get stopped by a Taxicab Bureau employee, please pull out your camera and start recording." As Bosma lead her tour down Royal St. toward the LaLaurie Mansion she spotted Joiner and told her tour group. She said "that guy over there is watching us," and motioned toward Joiner, "he is in the white car with the city logo and the headlights on."

Halfway through the LaLaurie Mansion story, Joiner got out of his vehicle and walked towards Bosma's group. A person on the tour said "he is taking your picture." Bosma responded "that is ok," Bosma continued with the tour and as she approached the middle of the street she heard a male voice tell her "I'm going to need to see your permit." When she looked, she recognized Joiner and Bosma

responded "it's right here on my bag." She then showed Joiner her permit. Joiner then asked for her permit again and she said "no, you're not taking my license." Joiner responded "you can finish the tour, come back and see me when you're finished." Joiner then pointed out Malachi Hull, Deputy Director Safety and Permits, and said "that is my supervisor." Hull said "50ft rule and ma'am give him your license." Joiner then took Bosma's ID "without permission." Joiner started to walk away towards Malachi. Bosma said that she and the persons on the tour started to "get upset." Bosma heard Hull tell Joiner "don't say another word, call NOPD. When Joiner called 911, Bosma walked up to him and "took the permit from his hand" and "began to walk away."

Bosma stated that Joiner came up from behind her and "put both hands on her, one on her arm and one on her back." He then "threw" her on the trunk of a car. Bosma had the permit in her left hand and she was "wiggling and screaming." She was screaming "you fucking have no right to touch me, get off of me." Joiner then took the permit out of her hand. Bosma stated that all she could think about, while still on the hood of the truck, was the "pain" she was in (OIG NOTE: Bosma advised that she has carpal tunnel syndrome and referred to herself as a "gamer")

Joiner then "shoved" her between two cars, toward the sidewalk, and she ran behind her tour group. Bosma called her boss "in tears" and told him "he just attacked me." NOPD Scallan (she referred to as "meanie") told her "because she took the license back from him, she assaulted him first" which gave him every right to detain" her. "There is a way we go about dealing with these situation, and procedures are in place." Scallion then told Bosma "you can take the ticket peacefully or we can take you both to jail for disturbing the peace." She "decided to take her ticket." Bosma had the rules printed with her at that time and wrote all the names and numbers of persons who witnessed the incident with Joiner. Bosma advised that NOPD is currently in possession of this paper. Bosma also said that there was a "lady that took video of the incident." Her name is Cassandra Campbell, phone number

. That night, Campbell sent the video to Bosma. Bosma stated that she believes there are 3 or 4 videos of the incident from that night.

MEMORANDUM OF INTERVIEW

On December 11, 2013, David Whiddon, [REDACTED], New Orleans, LA, was interviewed by Investigators Michael J. Centola and Kristen Morales, City of New Orleans, Office of Inspector General. Also present during this interview was John Bair, Attorney for Whiddon and Whiddon's wife, Bobbie Whiddon. After being advised of the official identities of the interviewing Investigators, David Whiddon voluntarily provided the following information:

Whiddon has lived in his current residence since 2010, having previously lived in the French Quarter area of the city. Since September 2013, various ghost tour companies have increased the number of tours given in the vicinity of the Whiddon residence. Their residence is across the street from the famous LaLaurie Mansion. (OIG Note: The LaLaurie Mansion is a very popular haunted house and is the main attraction of the ghost tours.)

The increased tours have resulted in the Whiddons experiencing increased noise and trash. This increase prompted them to contact City Council Members Jackie Clarkson and Kristen Palmer. The complaints resulted in a October 14, 2013, meeting with Taxi Cab Bureau Director Malachi Hull.

During this meeting the Whiddons discussed their concerns with Hull. Specifically, the Whiddons expressed the concern that no enforcement or monitoring of the tour groups was occurring. Hull agreed to increase the oversight of the tour groups.

After this meeting, the Whiddons noticed an increase in enforcement of the tour groups. A white city vehicle would park at the intersection of Gov. Nicholls and Royal Streets. Occasionally a Taxi Cab Bureau (TCB) employee would approach the tour guide and inspect their permit. The TCB employees were always professional when dealing with the tour guides. Whiddon recalled once he saw a tour guide become irate with the TCB employee, but the employee remained calm and professional. Whiddon feels there was an improvement with the tours, specifically, that the tours were not operating after the 10:00 p.m. curfew.

Whiddon has received a letter from attorney, Tom Shlosman, who represents several tour companies. Shlosman requested Whiddon to contact him if there were any complaints regarding tours or tour guides. This letter was addressed to Whiddon personally and received at his residence.

Whiddon advised he and his wife have overheard tour guides telling tour members that the residents of the French Quarter do not like the tours or tourists in the area. Also on occasion he hears comments referencing living in the French Quarter is similar to living near an airport, you should expect noise and if you do not like the noise, then you should move.

On the night of November 9, 2013, Whiddon heard a louder than normal crowd. He went to the street from his residence to determine what was causing the noise. When he exited his residence, he noticed two groups, one on each side of the street in front of his residence. He also noticed an additional group to the left. Whiddon saw a female tour guide (later to be identified as Wendy Bosma) discussing with a TCB employee (OIG Note: later identified as Wilton Joiner) her need to finish her tour. Whiddon recalled the tour guide having a sheet of paper in her hand. Whiddon described the tour guide located down the street as a black male who carries a stick or staff and wears a hat.

Whiddon observed Bosma cross Gov. Nicholls Street towards Joiner and grab something from Joiner. Bosma then quickly retreated back across the street into her tour group. Joiner stated "give that back to me." At this time the tour members were exclaiming that they paid for the tour and that Bosma should be allowed to finish the tour. At this time Bosma was in the middle of the street and was backed onto a parked vehicle by Joiner. Various people in the crowd were taking pictures and video of the incident. Whiddon did not think that Joiner detaining Bosma was unusual, as he assumed the TCB enjoyed police powers.

Two New Orleans Police Department Officers arrived on the scene. Subsequently, an individual with a video camera began videoing the crowd. This individual, who was identified to Whiddon by Hull as Sidney Smith, owner of Haunted History Tours, was asked by the police to move from the immediate area to the end of the block near Chartres Street. Smith exclaimed he wanted to press charges against Joiner. Smith was advised by one of the officers, he would be able to do that on Monday. At approximately 11:15 p.m. the crowd had disbanded and was gone from in front of Whiddon's residence.

Whiddon advised he received two letters he considers threatening. These letters were received from [REDACTED], (\telephone [REDACTED], email address [REDACTED]) and Andrew Ward, telephone [REDACTED], email addresses [REDACTED] and [REDACTED]. The letter from Ward was sent in an envelope that had a printed return address of Tulane University, International Development Department.

Whiddon stated he has offered water and coffee to TCB employees, who refused to take the beverages. Whiddon has never offered or provided anything to the TCB employees. All he has asked the TCB employees to do is to enforce the regulations regarding the tours. Neither Whiddon nor his wife ever called the TCB to complain. Their only complaint was to the City Council members. Bobbie Whiddon was called by Joiner who advised them he had been suspended from his job and no one would be overseeing the tours.

Whiddon believes Ward was a tour guide interviewed by Channel 4 News. During this interview, it was stated that evidence existed of residents paying off TCB employees to perform oversight of the tours.

Whiddon expressed his desire to have tours in the French Quarter regulated similar to the tours in the Garden District. He explained the Garden District tours are required to be completed by 8:00 p.m. He further explained that Charleston, SC, has a lottery system for the tours. This system limits the number and the times tours can operate. He would like to see the tour groups respect the French Quarter as a neighborhood. Tour groups should stop dropping trash and placing their tour stickers on the buildings at the end of the tours.

Neither Whiddon nor his wife have been contacted by the NOPD, but were recently interviewed by Special Agent Andre Jeanfreau of the Federal Bureau of Investigation, who was conducting a "civil right violation investigation."

Whiddon's wife stated that Haunted History Tours was causing the majority of their concerns. This company routinely conducts tours after 10:00p.m. and the tours remain at the LaLaurie Mansion for extended periods of time.

MEMORANDUM OF INTERVIEW

On December 12, 2013, Marshall P. Scallan, Police Officer (PO), New Orleans Police Department (NOPD), 8th District, was interviewed by Investigators Michael J. Centola and Kristen Morales, City of New Orleans, Office of Inspector General. After being advised of the official identities of the interviewing Investigators, PO Scallan was advised the scope of the interview was administrative; therefore he was required to be present and cooperate fully and truthfully. PO Scallan advised that he understood the nature of the interview to be administrative and the he was required to cooperate and be truthful. Following this introduction, PO Scallan provided the following information:

PO Scallan has been with the NOPD for six years. He was a uniform officer until recently when he was reassigned to the District Investigative Unit located within the 8th District. Previously he was assigned to the 2nd District.

On November 9, 2013, PO Scallan was on duty working the evening shift in a one man unit patrolling the French Quarter. He responded to a disturbance call between a Taxi Cab Bureau (TCB) employee and an unidentified individual in the 600 block of Gov. Nicholls. When he arrived at the location, he noticed the TCB employee, who he identified as Wilton Joiner, sitting in his vehicle. PO Scallan was approached by tour guide Wendy Bosma and an unidentified individual with a video camera. Both of these individuals were very irate and screaming. PO Scallan could not determine what the situation was, so he instructed the individual with the camera to move to the end of Gov. Nicholls near Charteres Street.

Bosma advised PO Scallan that she felt that Joiner had no right to cite her as she was not in violation of the 50 foot rule. When Joiner asked for her permit, she refused and Joiner removed it from her purse and told her to come see him after she finished the tour. Bosma stated Joiner had no right to take her permit from her. Bosma stated that when Joiner took her permit, she followed him and took her permit back. At this time Joiner grabbed her arm, twisted it behind her back and pushed her up against a parked car. PO Scallan asked Bosma if she was injured and she advised she was not. Bosma advised PO Scallan she video taped the initial contact between her and Joiner. After PO Scallan viewed it on her cellular telephone, he requested her to email it to his city email account, but he never received it.

Joiner then approached PO Scallan and advised him he was writing a citation to Bosma for violating the ordinance requiring the tours to remain 50 feet apart and that Bosma was not being cooperative. Joiner has obtained Bosma's permit and was walking to his vehicle when Bosma approached Joiner from behind and grabbed the permit from his hand. At this time Joiner grabbed Bosma to detain her until the police arrived. Joiner had requested the police to come based on the fact Bosma was not cooperating with Joiner by refusing to sign the citation.

After talking to Joiner, PO Scallan then talked to his supervisor, Malachi Hull, who was present during the incident. Hull advised that Joiner did not have arrest authority and that is why the police were contacted. Hull advised that he witnessed the incident. He said that Bosma refused, became irate and followed Joiner then took back her permit. Joiner then detained Bosma. PO Scallan stated he did not know what authority, if any, the TCB employees had. He relied on the information he obtained from Hull.

After discussing the incident with these three individuals, PO Scallan witnessed Joiner writing the citation to Bosma and then all parties departed. Approximately five minutes later, PO Scallan was in his patrol car preparing the report for the incident. He was approached by Bosma who requested medical treatment for a pain she had in her arm. PO Scallan called Emergency Medical Services (EMS) and requested an ambulance be dispatched to the scene. After approximately 20 minutes the EMS unit had not arrived and Bosma advised that she no longer wanted to wait.

NEW ORLEANS POLICE DEPARTMENT
INCIDENT K-12494-13

| Signal | Incident | Occurrence Date/Time | Reported Date/Time | Status | Bulletin |
|------------------------|------------------------|----------------------|--------------------|---------------|----------|
| 21 | MISCELLANEOUS INCIDENT | 11/9/2013 9:35 PM | 11/9/2013 9:35 PM | OPEN | NO |
| Location | | | | Dist/Zone/Sub | Lighting |
| 600 BLOCK GOV. NICHOLS | | | | 8E05 | POOR |

VICTIM PERSONS

1 REPORTING PERSON

| Last Name | First Name | Race | Sex | DOB |
|---|------------|----------------|---------------------|------------------|
| JOINER | WILSON | BLACK | MALE | |
| Home Address | | Home Phone | SSN | Driver's License |
| KNOWN, | | | | |
| Work Address | | Work Phone | Occupation | |
| 1300 PERDIDO ST., NEW ORLEANS, LA 70112 | | (504) 658-7176 | SENIOR INVESTIGATOR | |
| Sobriety | Injury | Treated | Victim Type | Email Address |
| SOBER | NONE | | ORLEANS RESIDENT | |

2 INTERVIEW

| Last Name | First Name | Race | Sex | DOB |
|--------------|------------|------------|------------------|------------------|
| BOSMA | WENDY | WHITE | FEMALE | 10/2/1977 |
| Home Address | | Home Phone | SSN | Driver's License |
| KNOWN, | | | | |
| Work Address | | Work Phone | Occupation | |
| | | | TORU GUIDE | |
| Sobriety | Injury | Treated | Victim Type | Email Address |
| SOBER | NONE | | ORLEANS RESIDENT | |

3 INTERVIEW

| Last Name | First Name | Race | Sex | DOB |
|---|------------|----------------|------------------|------------------|
| HULL | MALACHI | BLACK | MALE | |
| Home Address | | Home Phone | SSN | Driver's License |
| KNOWN, | | | | KNOWN |
| Work Address | | Work Phone | Occupation | |
| 1300 PERDIDO ST., NEW ORLEANS, LA 70112 | | (504) 658-7182 | DIRECTOR | |
| Sobriety | Injury | Treated | Victim Type | Email Address |
| SOBER | NONE | | ORLEANS RESIDENT | |

4 INTERVIEW

| | | | | | |
|--|-----------------|--|----------------|--------------------|--------------|
| Reporting Officer #1 PRO BII MARSHALL P. SCALLAN | Badge # 1587 | Reporting Officer #2 POI DANIEL OQUENDO | Badge # 798 | Car Number 805 | Platoon S |
| Detective Assigned ASSISTANT SUPERVISOR SERGEANT RUDOLPH M. THOMAS | | Assisting Supervisor SERGEANT RUDOLPH M. THOMAS | Badge # 252 | Crime Lab Other | |

K-12494-13

| Last Name | First Name | Race | Sex | DOB |
|--------------|------------|------------|------------------|------------------|
| WILSON | EVELYN | WHITE | FEMALE | |
| Home Address | | Home Phone | SSN | Driver's License |
| KNOWN, | | | | KNOWN |
| Work Address | | Work Phone | Occupation | |
| KNOWN | | | KNOWN | |
| Sobriety | Injury | Treated | Victim Type | Email Address |
| SOBER | NONE | | ORLEANS RESIDENT | |

MODUS OPERANDI

| | | | |
|--------------------------------|-------------------------------|-------------------------------|------------------------------|
| <u>16 Criminal Activity</u> | <u>17 Motive</u> | <u>18 Targets</u> | |
| <u>19 Method of Entry</u> | <u>20 Point of Entry/Exit</u> | <u>21 Security Used</u> | <u>Security Defeated</u> |
| <u>22 Residential</u> | <u>23 Outdoor Area</u> | <u>24 Comm. Establishment</u> | <u>25 Public Access Area</u> |
| <u>26 Movable</u> | <u>27 Structure Type</u> | <u>28 Structure Status</u> | |
| <u>29 Off. Approach</u> | <u>30 Impersonated</u> | <u>31 Weapon</u> | <u>32 Firearm Features</u> |
| <u>33 Property Crimes</u> | <u>34 Person Crimes</u> | <u>Sex Crime Specific</u> | |
| <u>Additional Descriptions</u> | | | |

LAW ENFORCEMENT USE ONLY

NARRATIVE

ON SATURDAY, NOVEMBER 9, 2013 AT ABOUT 9:35 PM OFFICER MARSHALL SCALLAN, UNIT 805 OF THE EIGHTH DISTRICT, INVESTIGATED A SIGNAL 21, RELATIVE TO A MISCELLANEOUS INCIDENT, IN THE 600 BLOCK OF GOV. NICHOLS VIA NOPD DISPATCHER. UNIT 825, MANNED BY OFFICER DANIEL OQUENDO, ALSO ARRIVED ON SCENE.

UPON ARRIVAL AT THE LOCATION, THE OFFICER MET WITH THE REPORTING PERSON, WILSON JOINER, WHO WAS WORKING AS THE SENIOR INVESTIGATOR, UNIT 3052, FOR THE TAXI CAB BUREAU AT THE TIME OF THE INCIDENT. JOINER STATED THAT ON 11/9/2013 AT ABOUT 9:35 PM, HE WAS IN THE 600 BLOCK OF GOV. NICHOLS ST. WHEN HE APPROACHED WENDY BOSMA, WHO WAS GIVING A TOUR AT THE TIME, TO ENFORCE AN ORDINANCE DEALING WITH THE PROXIMITY OF TOURS IN A GIVEN AREA. HE STATED THAT HE INFORMED BOSMA ABOUT THE VIOLATION, ASKED TO SEE HER TOUR LICENSE, AND INFORMED HER TO MEET HIM BY HIS UNIT AFTER SHE FINISHED THE TOUR SHE WAS GIVING. JOINER STATED THAT BOSMA BECAME IRATE WITH HIM, AND REFUSED TO HAND HIM HER TOUR LICENSE. JOINER STATED THAT HE REMOVED THE LICENSE, WHICH WAS VISIBLE ON A CLIP CONNECTED TO HER PURSE, THEN BEGAN WALKING BACK TO HIS UNIT. JOINER STATED THAT BOSMA FOLLOWED AFTER HIM, AND GRABBED THE LICENSE FROM HIS HANDS. JOINER STATED THAT HE THEN DETAINED BOSMA BY HOLDING HER ARM BEHIND HER BACK, WHILE HIS SUPERVISOR, MALACHI HULL NOTIFIED THE AUTHORITIES.

THE OFFICER THEN MET WITH WENDY BOSMA, WHO WAS WORKING AS A TOUR GUIDE AT THE TIME OF THE INCIDENT. BOSMA STATED THAT AT ABOUT 9:35 PM ON 11/9/2013, SHE WAS IN THE 600 BLOCK OF GOV. NICHOLS WORKING AS A TOUR GUIDE WHEN SHE WAS APPROACHED BY WILSON JOINER, WHO WAS WORKING AS A SENIOR INVESTIGATOR FOR THE TAXI CAB BUREAU. SHE STATED THAT JOINER INFORMED HER THAT SHE WAS IN VIOLATION OF A CITY ORDINANCE, AND ASKED TO SEE HER TOUR LICENSE. BOSMA STATED THAT SHE REFUSED TO GIVE HIM THE LICENSE, WHICH WAS CONNECTED TO A CLIP ON THE OUTER SIDE OF HER PURSE, STATING THAT HE DID NOT HAVE THE AUTHORITY TO TAKE THE LICENSE. BOSMA STATED THAT JOINER THEN REMOVED THE LICENSE FROM THE CLIP, AND WALKED AWAY, AT WHICH TIME SHE FOLLOWED BEHIND HIM, AND GRABBED THE LICENSE FROM HIS HANDS. BOSMA STATED THAT JOINER THEN GRABBED HER BY THE RIGHT ARM, PLACED IT BEHIND HER BACK, AND PUSHED HER INTO A PARKED CAR LOCATED ON THE SHOULDER IN THE 600 BLOCK OF GOV. NICHOLS.

DURING THE INVESTIGATION, OFFICER DANIEL OQUENDO WAS APPROACHED BY EVELYN WILSON, WHO RESIDES AT 609 GOV. NICHOLS #17. WILSON STATED THAT ON 11/9/2013 AT ABOUT 9:30 PM SHE HEARD A WOMAN OUTSIDE HER RESIDENCE YELLING, AND USING VULGAR LANGUAGE. WILSON STATED THAT SHE WALKED OUTSIDE TO THE STREET, AND OBSERVED A WHITE FEMALE, IDENTIFIED AS WENDY BOSMA, YELLING VERY LOUDLY, AND USING VULGAR LANGUAGE TOWARDS WILSON JOINER. WILSON STATED THAT SHE WAS VERY UPSET BY THE COMMOTION OUTSIDE, DUE TO THERE BEING SEVERAL SMALL CHILDREN SLEEPING INSIDE HER RESIDENCE.

OFFICER SCALLAN MET WITH WILSON JOINER'S SUPERVISOR, MALACHI HULL, WHO IS THE DIRECTOR FOR THE TAXI CAB BUREAU. HULL STATED THAT HE WAS ON SCENE AT THE TIME OF THE INCIDENT, AND THAT HE OBSERVED BOSMA YELLING AT JOINER. HULL STATED THAT BOSMA WALKED BEHIND JOINER AS HE WALKING BACK TO HIS UNIT WITH HER LICENSE, AND THEN GRABBED HER LICENSE FROM JOINER'S HAND, AT WHICH TIME JOINER THEN GRABBED BOSMA, AND DETAINED HER AT THE LOCATION. HULL ALSO INFORMED THE OFFICER THAT JOINER WAS ACTING IN A LAW ENFORCEMENT CAPACITY AT THE TIME, AND DID HAVE THE AUTHORITY TO DETAIN A SUBJECT UNDER THE GIVEN CIRCUMSTANCES.

IT SHOULD BE NOTED THAT BOSMA SHOWED THE OFFICER A VIDEO SHE HAD TAKEN WITH HER PHONE OF PART OF THE INCIDENT, WITH JOINER. THE OFFICER OBSERVED THE PHONE'S CAMERA BEING POINTED AT JOINER AS HE ASKED FOR HER TOUR LICENSE, WHICH BOSMA IS HEARD ON THE FOOTAGE CONTINUOUSLY STATING "NO". BOSMA ATTEMPTED TO SEND THE VIDEO FROM HER PHONE TO THE OFFICER'S EMAIL, BUT MET WITH NEGATIVE RESULTS. IT SHOULD ALSO BE NOTED THAT ABOUT FIVE MINUTES AFTER THE INVESTIGATION WAS COMPLETE, AND BOTH PARTIES LEFT THE AREA, BOSMA APPROACHED THE OFFICER, WHO WAS IN HIS UNIT AT THE LOCATION, AND REQUESTED EMS FOR A SHARP PAIN IN HER RIGHT ARM. THE OFFICER REQUESTED EMS TO THE LOCATION VIA DISPATCH, BUT WAS LATER CANCELED BEFORE THEIR ARRIVAL DUE TO BOSMA STATING THAT SHE WOULD SEEK MEDICAL TREATMENT ON HER OWN. ANY FURTHER INFORMATION WILL FOLLOW IN A SUPPLEMENTAL REPORT.

From: Wilton Joiner
Sent: Sunday, November 10, 2013 01:09 AM
To: Malachi Hull
Cc: Karen M. Thibodeaux; Ronnie Blake
Subject: Re: Incident At 600 Gov. Nicholls St.

On Saturday 11/09/2013 at approximately 2130hrs. I Sr. Inv. W. Joiner for the City Of New Orleans, Taxicab Bureau was posted at the corner of Royal St. and Gov. Nicholls St. in the 600 block of Gov. Nicholls St. monitoring, and observing the walking tours in the Veieux Carre area of the French Quarters. I observed two (4) tours that was less than 50 ft. apart operating. In an afford to cause the least amount of interruption of the group, I then approached the group that just arrived in the area, to inform her of the 50ft rule. After she concluded her story of Lalaurie mansion I politely asked her for her permit and informed than she can continue with her tour and to return to me after the tour ended. She then pulled out cell phone and began recording me requesting her permit, I then informed her again, that she was allowed to continue with her tour. And when it was completed that I needed to speak with her. She then stepped away from her tour and asked me what the problem was, I then again informed her that her tour was not 50ft. apart from the other tour; I then once again informed her that she can continue with her tour, before the 10pm shut down time. She then walked away, a few minutes later she approached me with some of the patrons in her group, demanding her permit back. The crowd was beginning to get hostile, and Mr. Hull instructed me to call N.O.P.D. I made the call to the Command Desk, for assistance, I was standing in the street in the 600 block of Gov. Nicholls St. when I felt someone push me and started to grab for the permit, shouting "Give Me Back My Fucking Permit, You Ass-Hole"!!! I then had to physically prevent the subject from taking the permit from my hand by force I went to detain her until N.O.P.D arrive, and noticed that I didn't have my handcuffs on me. The subject in question, turned out to be, Ms. Wendy Bosma, permit number TGLDR- . Employed by Haunted History Tours. N.O.P.D arrived on the scene, and took control of the matter. And they also reviewed the video of her refusing to give me he permit. The owner/ manager of the tour company, Haunted History Tours, Mr. Sidney Smith arrived and started to interfere with the investigation with his camera, and were told by the officers on the scene to leave the area. He then went around the corner, came back and began filming, and yelling out my name, from the corner of Royal and Gov. Nicholls St. Officers D. Oquendo, and M. Scillan from the 8th district responded. Item # K-12494-13. The officers also informed Ms. Bosma to e-mail them the videos that she recorded at the scene. Sr. Inv. Joiner, then 10-31 the scene.

MEMORANDUM OF INTERVIEW

On 11/15/13, Investigator Kristen Morales and Investigator Michael Centola of the City of New Orleans Office of Inspector General (OIG), met with Sidney Smith, Owner, Haunted History Tours. Smith resides at _____, mobile number 5 _____. Smith was aware of the identities of the OIG personnel and the purpose of the interview; he then voluntarily provided the following information:

Smith started his company, Haunted History Tours in 1995 and currently has 25 employees. His company conducts approximately 6-7 tours per night and operates Monday – Sunday, with tours starting at 6pm and 8pm. All of the tours are approximately one and a half hours to two hours long. Most of the tours conducted in the French Quarter start at Reverend Zombie's Voodoo Shop, 723 St. Peter St. The cost for a tour is \$25.00 for adults, \$18.00 for students & seniors, and \$14.00 for "kids." Children under the age of 11 are free. The Tour Guide Operators make between \$50.00 and \$80.00 dollars a tour, including tip.

Smith stated that he has had issue with New Orleans Taxicab Bureau Employee, Wilton Joiner since October 2013. He had been advised by his employees that Joiner was "bullying by intimidation" to include utilizing the blue lights on his city vehicle, and "nazi germany tatics." Smith's employees describe Joiner as a black male in his late 50's. Joiner stated to one of his employees "you can't tell a story here, you have been here too long." Smith advised that there is nothing in the city ordinances that state how long a tour guide operator is allowed to stand in one spot.

Smith advised the OIG to contact the following Tour Guide Operators in relation to several incidents that involved Joiner; Smith supplied what details he could remember.

- 10/17/2013 - Luke Siddall; Joiner disrupted active tour
- 10/18/2013 - Jennifer Vallas, Andrew Ward, Avalon Manley, and Clint Krause;
- 10/18/2013 - Trevor Aubin;
- 10/19/2013 - Andrew Ward, Clint Krause;
- 10/23/2013 - Vallas allegedly had a complaint against her, to which Joiner still issues a citation without investigating properly;
- 10/24/2013 - Mikko Macchione; Joiner cited Macchione for being out after 10:00pm, specifically 10:01pm;
- 11/01/2013 – Caleis Frank; Joiner cited Frank for being out after 10:00pm
- 11/07/2013 - Jonathan Weiss

There was also another incident, date unknown, involving Sandy Hester and Cindy Richardson, French Quarter Phantom Tours.

Smith said that his Tour Guide Operators have been complaining so much he purchased a video camera and started to go on the tours in the event one of them would encounter Joiner. On one evening , date unknown, Smith said that he saw Joiner watching from his city vehicle. He described the city vehicle as "White, Ford, with public plates and a fleur de lis city logo." He went on to say that the "dash has blue lights" and that evening, the "blue lights were flashing." Another evening, Smith questioned Joiner as to why he requires the Tour Guide Operator to turn over their license in addition to their Tour Guide Permit? Joiner responded, "don't know why?"

Smith stated that he "has not" seen Joiner "carry pepper spray, guns, or handcuffs."

Smith advised that he has retained an attorney, Tom Shlosman, who is currently preparing a lawsuit against Joiner, Hull, and the Taxi Cab Bureau. He stated that he will provide the video footage he took to the OIG.

MEMORANDUM OF INTERVIEW

On 12/18/13, Investigator Kristen Morales and Investigator Michael Centola of the City of New Orleans Office of Inspector General (OIG), met with Sandy Hester, Manager, French Quarter Phantom Tours. Hester resides at _____, mobile number _____. Hester was aware of the identities of the OIG personnel and the purpose of the interview; she then voluntarily provided the following information:

Hester has been the Manager of French Quarter Phantom Tours for approximately ten (10) years. She previously worked for Voo Doo Tours. Prior to her position with French Quarter Phantom Tours, Hester worked as an Assistant for Tulane University.

Hester stated that the limited interaction she had with the New Orleans Taxi Cab Bureau, has typically been with Investigator Wilton Joiner. The only reason she knows his name, is because, she specifically asked for him name during an incident on October 19th 2013.

Cynthia Richardson, Owner, French Quarter Phantom Tours requested that all Tour Guide Operators (TGOs) have a second employee walk with them on a tour for safety reason. Hester stated that she and Richardson had received several complaints from the Tour Guide Operators that they were being harassed by Joiner. On October 19th 2013; TGO Susan Lanigan was scheduled with a Tour Group for eight (8) pm and Hester was assigned to walk with her. Prior to approaching the LaLaurie Mansion (OIG NOTE: LaLaurie Mansion is located at 1140 Royal Street) Hester noticed a parked white sedan, no headlights on, with a City of New Orleans Logo on the side door, and assumed it to be a Taxicab Bureau employee. After several minutes had passed, Hester noticed a gray haired, stocky, male, late sixties (60's) name unknown (NU) emerge from 625 Governor Nicholls and crossed the street toward the LaLaurie Mansion. The Taxi Cab Bureau employee saw this; turned on his flashing blue lights, exited the vehicle, and met the gray haired man beneath the gallery of the LaLaurie Mansion. Hester said that she saw them talking and then shake hands. After the handshake between the two men, the Taxicab Bureau employee immediately put something in his back pocket. They preceded talking, shook hands again and then the NU male crossed back over Governor Nicholls and at that point, turned and looked at Lanigan. The NU male then went back inside 625 Governor Nicholls. The Taxicab Bureau employee waited approximately 5 minutes before approaching Lanigan. The Taxicab Bureau employee asked Lanigan to step away from her group and Hester went with her. The Taxicab Bureau employee proceeded to tell Lanigan that, "her time was up and she had to move along". Hester explained to the Taxicab Bureau employee that "the municipal code governing tour guides doesn't allow for a time limit on stories." Hester was then told by the Taxicab Bureau employee that "this does not concern her." Hester again reiterated the municipal code and the Taxicab Bureau employee said he "did not care," and that Lanigan, "had to move." The Taxicab Bureau employee then said "she moves or she is losing her license." Lanigan continued on with the tour and Hester asked the Taxicab Bureau employee for "his name and badge number." He gave the information as "Officer Joiner, badge number one one three (113)." Hester then asked how to file a complaint and Joiner stated that "she could do so with the head of the Taxicab Bureau, Malachi Hull or with New Orleans City Counsel." Hester advised that another Tour Guide Operator, Luke Siddall, had witnessed part of this incident with Joiner. Hester noted that Langan was at the LaLaurie Mansion for less than ten (10) minutes. Hester also said that Joiner has interrupted tours while in progress on several occasions. This was another reason why Richardson wanted the TGO to have another employee with them.

10/18/2013 at 8:30 pm approximately five (5) minutes into a tour with Tour Guide Operator Trevor Aubin, Joiner approached Aubin and asked Aubin "to move." Hester began to read the municipal codes to Joiner when he took out his flashlight and brought it up to her right eye and said "I don't care about municipal codes, you don't need to read the codes to me." Hester continued to read the municipal codes to Joiner as she walked along side of him towards his vehicle. Joiner said to Hester "Don't touch me." She said "I'm not," "I'm walking down a public street." Joiner responded "don't come near me again," and she again responded "I'm walking down a street, a public street, and I'm allowed to walk down a public street." Joiner responded "you can also lie down on a public street." Joiner then went to his vehicle, came around and told Hester "if you come near me again, you will see what happens." Hester stated that Joiner said this to her twice. Hester described Joiner's attire that evening as ; "navy blue uniform, type of duty ridge uniform, a badge like New Orleans Police Department (NOPD), and a gun on his hip, but is not 100% sure if it was on his right or left hip," but she recalls right. Hester also recalls Joiner wearing a reflective vest.

Hester was conducting a private tour one evening and once completed they started to chat about where they could buy drinks. Before she could answer, one of the persons on the tour advised her that someone was motioning for her. Hester went over to the person and realized it was Joiner. Joiner asked her "do you know the time." Hester said "Im not conducting a tour, we are just people on a corner." Joiner replied "you need to move your group along." Hester explained to Joiner that she is allowed to be on a street corner and then asked him why he didn't move along. Joiner said "its 10 minutes after 10pm." Hester felt intimidated by Joiner so she took the people she to a local bar "Flangan's." She originally wanted to take the people to the "Blacksmith Shop," however that was in close proximity to Joiner and she did not want to encounter him again.

MEMORANDUM OF INTERVIEW

On December 18, 2013, Jennifer Vallas, and , was interviewed by Investigators Michael J. Centola and Kristen Morales, City of New Orleans, Office of Inspector General. Present during this interview was Vallas's nephew, Scott Williams. After being advised of the official identities of the interviewing Investigators, Vallas voluntarily provided the following information:

Vallas has worked as a Tour Guide for Haunted History Tours for approximately five and a half years. She conducts the ghost, cemetery and vampire tours. She wrote a Scandal Tour which is not given on a routine basis. Prior to being a Tour Guide, Vallas worked as a buggy driver in the French Quarter. While a buggy driver, Vallas had an interaction with Taxi Cab Bureau (TCB) employee Ronnie Blake. Vallas also came to know Wilton Joiner during this time, but did not deal with him.

Vallas advised she will not display her Tour Guide permit while working. She is concerned that she may be robbed and the information contained on the permit will allow the perpetrator to learn where she lives, resulting in an additional theft. She does carry the permit. Blake has asked to see her permit and she displays it for Blake.

On October 17, 2013, Vallas was in front of McDonogh 15 conducting a tour. She was approached by Joiner who was driving a white SUV with no city markings. Vallas advised she believes Joiner personally owns a black SUV. She makes this statement from viewing a "Facebook" posting of Joiner. Joiner requested to see Vallas's permit. Vallas gave it to a Tour Guide she was training who brought it to Joiner. Joiner stated that he needed to speak with Vallas not the trainee. Joiner told Vallas that she had more than 28 individuals in her tour group. Vallas corrected Joiner stating there were only 26. Joiner then told Vallas that she was required to complete her tour by 10:00 p.m.

Approximately 15 minutes later while speaking near the LaLaurie Mansion, Vallas was interrupted by Joiner who told her that she must move her group as they were in place too long. Vallas was not finished speaking to the group, but moved near 629 Gov. Nicholls to continue and finish her story. Joiner again told her to move her group as they were in place too long. Vallas feels this interaction with Joiner was Joiner harassing her for no apparent reason. This prompted her to write a letter to Mayor Landrieu and post it on her "Facebook" page. Vallas stated she wrote the letter in "Ebonics" so the Mayor could understand the letters contents.

Over one weekend in October, Vallas recalled being called by Haunted History Tours Owner Sidney Smith. Smith and Vallas discussed the fact the TCB employees were "getting out of hand" and harassing the tour guides operating in the French Quarter. This call and her interaction with Joiner prompted her to write a letter to Mayor Landrieu and post it on her "Facebook" page. Vallas stated she wrote the letter on "Ebonics" so the Mayor could understand the letters contents.

On October 23, 2013, Vallas was driving in the French Quarter. She saw Pam Burke a new Tour Guide of Haunted History Tours being harassed by Joiner. Joiner interrupted Burke and a requested to see her license and being Vallas videotaped the incident, but is unsure where she saved the video.

Vallas feels the Whiddon's, who reside at 629 Gov. Nicholls, are directing the TCB employees to harass Tour Guides. Vallas knows the Whiddons from seeing them on television and through internet

searches. Vallas was told by David Whiddon "we own the Taxi Cab Bureau." Vallas does not like the Whiddons as they are from the northeast and Vallas does not like individuals from this area of the country.

On October 23, 2013, while Vallas was not on duty, she came into contact with Joiner. Joiner began writing a citation to her. Vallas questioned Joiner what she was being cited for. Joiner advised that he had received a complaint that Vallas had made a racial slur directed to Tour Guide Preston (LNU), and was witnessed by another Tour Guide Nate (LNU). Vallas told Joiner "that wasn't true" and questioned when the incident occurred. Joiner stated that it occurred over the previous weekend. Vallas advised Joiner that it would be impossible, as Vallas was in Lumberton, MS when the incident was supposed to have occurred. Vallas advised her nephew Williams could account for Vallas being in Lumberton, MS, as he accompanied her there. Vallas advised they she does not work weekends, but works Monday through Thursday. Vallas believes the writing of the citation was retaliation for her writing the criticizing letter to the Mayor.

Vallas has heard that Joiner and Mayor Landrieu went to school together. She has accused Joiner of taking bribes and asked how much was he being paid. Joiner responded "none of your business." Joiner threatened to write up another Tour Guide during this interaction for being too loud. Vallas advised Joiner there was not noise restriction in the Ordinance. Joiner then threatened to cite this Tour Guide for too many participants in the tour. Vallas advised that the group was not too large and he should leave the Tour Guide alone. The fact that Joiner was attempting to cite the Tour Guide for noise, leads Vallas to believe that Joiner does not have a proper working knowledge of the Ordinance he is enforcing. Vallas requested him to extend the hearing date since it was not convenient to her. Joiner did so at her request.

Vallas spoke to Preston's boss, Tamara (LNU) regarding the citation issued to Vallas by Joiner. Vallas was told that the issue was not with Vallas, but with a lady described as having dark hair and possibly of Italian descent. Vallas could not understand why Joiner could confuse Vallas with this individual, since Vallas always wears a pirate costume when conducting tours. Joiner was given the same description Vallas received from Tamara (LNU).

On November 11, 2013, Vallas's hearing was postponed. This was due to the fact that Joiner was not able to attend due to his suspension from his duties. On December 5, 2013, Vallas appeared at her rescheduled hearing. The citation was dismissed since there was no affidavit or written complaint attached to the citation.

Vallas has not seen TCB employees wearing a firearm. She has seen Joiner and Blake wear handcuffs and pepper spray on their police type belts. Vallas said she provided this information to Federal Bureau of Investigation Special Agent Andre Jeanfreau.

Several years ago, Vallas had a confrontation with Blake. The confrontation was while Vallas was a buggy driver. The incident was a shouting match between the two. Vallas stated she understood if a buggy driver paid \$20.00 to the TCB employees, the driver would be left alone. Paul Romero and Cassie Nunez would have additional information regarding TCB employees being paid by drivers.

Vallas shared Joiners Facebook profile after the November 9, 2013 incident Joiner had with Wendy Bosma through her Facebook account. She stated she did this in efforts to document the fact he listed as being employed in law enforcement.

MEMORANDUM OF INTERVIEW

On November 19, 2013, Cindi Richardson, Owner, French Quarter Phantoms host Tours (FQP), was interviewed by Investigators Michael J. Centola and Kristen Morales, City of New Orleans, Office of Inspector General. After being advised of the official identities of the interviewing Investigators, Richardson voluntarily provided the following information:

Richardson has owned and operated FQP since 2007. She currently employs 11 tour guides who operate in the French Quarter area. Prior to 2007 Richardson operated New Orleans Ghost Tours. This company was closed and the logo was sold to Sidney Smith, who operated Haunted History Tours. With both companies, Richardson has been in the tour guide industry for 15 years.

Richardson has recently been videoing her tour guides. She began videoing after her employees complained to her that they were being harassed by the Taxi Cab Bureau (TCB) employees who regulate the tour guides. Richardson feels the harassment has became intolerable. Since October 18, 2013 she assigned a second tour guide to each tour to assist in "dealing" with the TCB employees. She stated that one of the complaints was that her tour guides were not allowed to finish their presentations without being interrupted by the TCB employees. The second tour guide would allow one of the guides to interact with the TCB employee while the other completed the presentation.

On October 18, 2013 during the 6:00 p.m. tour, Wilton Joiner, TBC employee, interrupted a tour while the tour group was stopped at the LaLaurie Mansion located in the 600 block of Gov. Nicholls. Richardson's Tour Manager, Sandy Hester was present during this incident. Joiner had advised the tour guide that the tour was stopped on the location long enough and "they need to move." Richardson advised that should not have happened, as the presentation was not complete at this stop. The two tour guides were Susan Lanigan and Like Siddel.

Richardson went to observe the 8:00 p.m. tour and stood at the intersection of Royal and Gov. Nicholls Streets. This is the intersection where the LaLaurie Mansion is located. Richardson did not see anything out of the ordinary for her company's tour. She did observe other tours being interrupted in the middle of the presentations. Joiner would not allow the tour guides to complete their stories advising them they had been on the block too long and that other groups needed to have access to the area. Richardson advised her company policy is to only remain at a stop for no longer than ten minutes. She does not know of any city regulation which cites a length of time to be at a single location.

Richardson advised that tours are somewhat timed. Each tour covers specified locations with a corresponding story. Since all guides visit the same locations and provide the same story lines, tours routinely are completed near a two hour time frame. Hester performs spot check on the tours to ensure the tours are continuously moving and adhering to city regulations as well as her company policies.

Richardson advised the videos that have been taken will show that TCB employees are dressed to look like a police officer, wearing black top/shirt, black pants and black boots. They wear a badge and a police type belt with a radio and flash light. She has never personally observed a TCB employee wearing a firearm, handcuff or pepper spray. Joiner always holds his hand on his right hip. Richardson feels this is very intimidating and done "to make individuals believe he has a firearm."

Richardson advised that on October 19 and 20, 2013, Joiner approached Haunted History Tours tour groups in front of the Verdi Mart (Royal and Gov. Nicholls), just as the tour guides were starting their presentations. Joiner held his flashlight on his shoulder and shinned the light into the eyes of the individuals of the tour groups. Joiner was doing this as he counted the number of participants in the tour groups. After this incident, Richardson purchased a video camera and began recording the actions of the TCB employees. Richardson stated she would make available copies of the videos she took.

Richardson recalled a Greyline Tour in the 600 block of Gov. Nicholls making a presentation regarding the LaLaurie mansion. A second tour group approached the area and was approximately 75 feet away. Joiner interrupted the Greyline Tour guide advising them another tour was in the area and too close. Richardson said approximately two minutes later the groups were approximately 45 feet away and Joiner instructed the Gray Line tour to move across the street. Richardson feels this was harassment on the part of Joiner. During this exchange, Joiner did notice he was being recorded on video camera.

Richardson does not know of any Tour Guides who were sprayed with pepper spray or given a breath analyzer by Joiner. Richardson did hear that a Tour Guide named Kelly (LNU) was pushed up against a wall by Joiner while she was providing a personal tour to only one individual. Randy Ping of Haunted History Tours would know additional details regarding this incident as well as Kelly's last name.

Hester reported to Richardson that on October 18, 2013, she noticed Joiner and a French Quarter resident shake hands. After this exchange, Joiner appeared to place something in his back pocket and then gave a "thumbs up" to the resident. Joiner then performed an inspection of a tour group. This exchange occurred near 625 Gov. Nicholls.

On November 9, 2013, the only tour group Richardson's company had on the street was being led by Luke Sidell.

Richardson has provided her attorney, Tom Sholman with an affidavit she completed from her observations and notes regarding interactions with TCB employees. Richardson's main concern was that the tours were being interrupted and affected the quality of the tours her company provided. Two Tour Guides, Tessy and Trevor had separate incidents with Joiner wherein he told them to move as there had been stopped too long.

Trevor's incident was witnessed by Richardson and Hester. Richardson approached Joiner and questioned him as to what municipal code he was enforcing by requiring the group to move. Joiner stated to Richardson that he was not talking to her and he walked away.

Richardson was afraid that something bad would happen to a tour guide. She feels the "body language" of the TCB employees were very aggressive in nature and made the tourists in the tour groups nervous. She makes this statement based on a conversation she overheard in Flanagan's Bar that a patron of the tour was discussing feeling harassed by the "police officer" earlier.

PARISH OF ORLEANS

STATE OF LOUISIANA

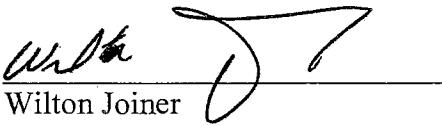
AFFIDAVIT OF WILTON JOINER

BEFORE ME, the undersigned authority, came and appeared

Wilton Joiner

A person of the full age of majority, who after being duly sworn did depose and say:

- 1) That on June 1, 2011 he was notified of a request for the production by the City of New Orleans of certain records as set forth in Exhibit "A" attached hereto, namely "all personnel records, records of complaint and/or records of investigation into Thayer Hamdalla during his time of employment as a cab driver in the City of New Orleans" and "any/all records , permits, applications, complaints, suspensions notice books and records regarding Thayer Hamdalla, DOB 10/21/83 from the New Orleans Taxicab Bureau".
- 2) That on June 1, 2011 he reviewed the records and files which are attached hereto as Exhibit "B" which were responsive to the above described request.
- 3) That as of June 1, 2011, to the best of his knowledge, he knew of the existence of no other records or documents responsive to the above request.


Wilton Joiner

Sworn to and Subscribed Before Me,
On this 8th day of June, 2011.
New Orleans, Louisiana.


NOTARY PUBLIC, LSB# 24532

Mark D. McNamee
Print Name
MY COMMISSION EXPIRES
AT DEATH

MEMORANDUM OF INTERVIEW

On January 15, 2014, Tyrone Preston, was interviewed by Investigator Michael J. Centola, City of New Orleans, Office of Inspector General (OIG). After being advised of the official identity of the OIG Investigator, Preston voluntarily provided the following information:

Preston currently works part time with the bus tour, Hop On Hop Off. Previously he worked for Witches Brew Tours where he stopped work just prior to Christmas 2013. While at Witches Brew Tours, he provided the Cemetery and Ghost Tours. He was cited by Wilton Joiner for operating a tour after 10:00 p.m. on October 18, 2013. Preston felt this was unfair as he was finishing his tour and the time was 10:01 p.m. This incident occurred near the LaLaurie Mansion located at the intersection of Gov. Nicholls and Royal Streets. Preston advised other tours operating were not cited.

Joiner had interrupted Preston while he was completing his tour. Preston had to explain to his group what had occurred which was difficult. Preston also felt this prevented tour patrons from "tipping" him after the tour. Joiner told Preston the Taxi Cab Bureau was receiving a large volume of complaints regarding tours operating after 10:00 p.m. Preston told Joiner he had caused him to lose money by the interruption.

During the discussion with Joiner, Preston complained to Joiner that a few nights prior, while he was near Harry's Bar located near Chartres and Dumaine Streets, he was giving a tour and an unknown female made negative and disparaging comments to Preston. This unknown female stated that the information provided was not truthful, but lies and that the tour patrons should "not listen to that nigger" and the group should stop blocking the sidewalk.

Preston had never seen this female previously and described her as a slim, white female with short auburn hair, wearing grey and white clothes. This individual was accompanied by either three or four individuals. Preston does not believe they were part of a tour. The individual who made the comment was not in a costume or uniform. He did not tell Joiner that she was dressed in a pirate costume.

Joiner stated "I think I know who that is. Don't worry about it." Preston advised that Nathan Scott was present during this incident with Joiner. He is unsure if Scott heard the discussion regarding the female between Preston and Joiner.

During a general discussion after he was issued the citation, Preston was having a conversation with other tour guides and the bartender at the Lafite's Blacksmith Shop on Bourbon Street. During this conversation, it was discussed that Joiner had given a breathalyzer test to a Tour Guide a few days prior.

A few days after Joiner cited Him, Preston was approached while providing a tour. During this time Joiner advised Preston he should ensure his patrons do not put their feet on the brick wall.