HILLAR C. MOORE, III
DISTRICT ATTORNEY, 19TH JUDICIAL DISTRICT
EAST BATON ROUGE PARISH

November 18, 2026

Dr. James Finney
8121 Oak View Drive
Baton Rouge, LA 70814
VIA EMAIL: jamescfinney@yahoo.com

Dear Dr. Finney:

Please review the District Attorney's Office's written findings regarding a November 14, 2026, open meetings complaint submitted by Dr. James Finney. Overall, the District Attorney's Office's determined the complaint has limited merit to one issue.

SUBMITTAL OF A COMPLAINT

On November 14, 2026, our office received your complaint regarding The Board of Supervisors for the University of Louisiana System, hereinafter the Board, meeting held November 13, 2026, at 1201 North Third Street, Baton Rouge, LA 70802, within the 19th Judicial District. Specifically, you allege the two substantive items on the posted agenda were not "described with reasonable specificity," because the agenda did not disclose that the Board would accept the resignation of the sitting UL System President and immediately appoint his replacement.[1] You further allege the Board's executive session, which you contend was held to privately interview a person not employed by or under contract with the UL System was improper.[2] You ask that the actions taken at the meeting be voided and that the maximum civil penalties be imposed upon the participating members.[3]

Your complaint included two exhibits: (1) November 13, 2026 UL System Special Meeting Agenda; and (2) a link to the November 13, 2026 UL System meeting.[4]

Upon reviewing the complaint, the District Attorney's Office requested supplemental materials from the UL System on November 16, 2026, regarding any written notice that was provided to Dr. Cade Brumley, Rick Gallot, or any other individuals whose character, professional competence, or physical or mental health were potentially discussed in the Executive Session on November 13, 2026, as well as the minutes of the meeting.

[1] A violation of La. R.S. 42:19(A)(1)(b)(ii)(bb).
[2] A violation of La. R.S. 42:17.
[3] La. R.S. 42:24; La. R.S. 42:28.
[4] https://ulsystem.edu/events/november-13-2026-special-board-meeting.

Additionally, on November 16, 2026, the District Attorney's Office received a Memorandum from Brandon DeCuir detailing UL System's response and position regarding the validity of the November 13 meeting.

Our Office reviewed the complaint, its exhibits, the UL System's memorandum, and the materials presently available.

FACTUAL BACKGROUND

The Board is a constitutionally created body that supervises and manages eight public universities, and it is domiciled in East Baton Rouge Parish.[5] The Board is a "public body" subject to the Open Meetings Law.[6] Among its powers, the Board appoints the System President, who serves as the System's chief executive officer. The System President is not a member of the Board.

The Board noticed a special meeting for 1:00 p.m. on Friday, November 13, 2026. The substantive portion of the posted agenda contained two items:

1. Consideration of personnel actions for the UL System.
2. Consideration of other personnel actions related to UL System.[7]

The agenda did not name any person, office, or position. It did not state the Board would consider a resignation, an appointment, a selection, or an interview. It did not reference the Office of the System President.

At the meeting, the Board announced that System President Rick Gallot had tendered his resignation, effective December 1, 2026, and the Board voted to accept it. The Board then convened in executive session. The executive session begins at the 10:32 mark of the recording and concludes at the 1:07:30 mark. Upon returning to open session, the Board voted unanimously to appoint Dr. Cade Brumley, the sitting Louisiana State Superintendent of Education, as System President, effective December 1, 2026. At the time of the meeting, Dr. Brumley was not employed by, or under contract with, the System.

ANALYSIS OF LOUISIANA'S OPEN MEETINGS LAW

In reaching the findings below, the District Attorney's Office reviewed Article XII, § 3 of the Louisiana Constitution, Louisiana Revised Statutes 42:11, *et seq.*, and relevant caselaw.

Any action taken by a public body in violation of the Open Meetings laws **shall** be voidable by a court of competent jurisdiction.[8] "The word 'shall' is mandatory."[9] A suit to void any action *must* be commenced within sixty (60) days of the action.[10] The rights created by the

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[5] La. Const. art. VIII, § 6.
[6] La. R.S. 42:13(A)(2).
[7] The agenda items are quoted as posted on the agenda.
[8] La. R.S. 42:24 (emphasis added).
[9] La. C.Cr.P. art. 5; La. C.C.P. art. 5053; La. R.S. 1:3.
[10] La. R.S. 42:24 (emphasis added).

open meetings provisions are peremptory and expire if not timely exercised.[11] For actions taken on November 13, 2026, the sixtieth day is **Tuesday, January 12, 2027**.

Article XII, § 3 of the Louisiana Constitution provides: "No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." This provision ensures citizens have a constitutional right to observe public bodies, the deliberations thereof, and protect the public from decisions being made without any opportunity for input.[12]

The Louisiana Legislature enacted the Open Meetings Law[13] to ensure the protections of Article XII, § 3 are fulfilled:

> It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of [La. R.S. 42:11 through 28] shall be construed liberally.[14]

Pursuant to La. R.S. 42:14(A), "Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, 17, or 18."

La. R.S. 42:19 dictates all public bodies must provide written notice of any open meeting *no later than 24 hours before* the meeting is held and the agenda for the meeting *cannot be changed within those 24 hours*.[15] Furthermore, each item on the agenda shall be listed separately and described with reasonable specificity.[16] Before the public body may take any action on an item, the presiding officer or his designee must read the description of the item aloud.[17] A matter not on the agenda may be taken up only upon unanimous approval of the members present, on a motion that identifies the matter with reasonable specificity, including the purpose for the addition, after an opportunity for public comment.[18]

A public body may hold an executive session only upon a two-thirds vote of the members present, taken at an open meeting for which notice was given.[19] The executive session is limited to the matters listed in La. R.S. 42:17; no final or binding action may be taken in executive session; the vote of each member on the question of holding the executive session and the reason for

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[11] La. C.C. art. 3458; *Greemon v. City of Bossier City*, 2010-2828 (La. 07/01/11) 65 So.3d 1263, 1272; La. R.S. 42:11-28 is known as "Open Meetings Law."
[12] La. R.S. 42:12; *see also Joseph v. Hosp. Serv. Dist. No. 2 of Par. of St. Mary*, 2001-1951 (La. App. 1 Cir. 12/28/01), 805 So.2d 400, 409 (citing *Delta Development Company, Inc. v. Plaquemines Parish Commission Council*, 451 So.2d 134, 138 (La. App. 4 Cir. 1984), *writ denied*, 456 So.2d 172 (La. 1984)).
[13] La. R.S. 42:11, *et seq.*
[14] *See* La. R.S. 42:12(A); *see also Deep S. Ctr. for Env't Just. v. Council of City of New Orleans*, 2019-0774 (La. App. 4 Cir. 02/12/20), 292 So. 3d 973, 978-979, *writ denied*, 2020-00771 (La. 10/14/20), 302 So. 3d 1114, and *writ denied*, 2020-00419 (La. 10/14/20), 302 So. 3d 1122.
[15] La. R.S. 42:19 (emphasis added).
[16] La. R.S. 42:19(A)(1)(b)(ii)(bb).
[17] La. R.S. 42:19(A)(1)(b)(ii)(bb).
[18] La. R.S. 42:19(A)(1)(b)(ii)(cc).
[19] La. R.S. 42:16.

holding it must be recorded and entered into the minutes; and no executive session may be used as a subterfuge to defeat the purposes of the Open Meetings Law.[20]

La. R.S. 42:17(A)(1) permits an executive session for "[d]iscussion of the character, professional competence, or physical or mental health of a person," provided the person is notified in writing at least twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time of the meeting, and provided the person may require that the discussion be held in open meeting.[21] The same paragraph provides "nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to a public body." Written notice to the person is excused only "[i]n cases of extraordinary emergency," which the statute limits to "natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude."[22]

Where the language of the law is susceptible to different meanings, it must be interpreted as having the meaning which best conforms to the purpose of the law.[23] The legislative intent in enacting the law is the primary consideration in deciding.[24] Laws concerning public meetings are meant to be construed liberally in favor of public policy and in support of transparency and openness with the public regarding these meetings.[25]

To prove a violation of open meetings laws, the State must show the public body violated open meetings laws by a preponderance of the evidence.[26] If a violation is proven, La. R.S. 42:26 sets forth the remedies, which include any or all of the following: writ of mandamus, injunctive relief, declaratory judgment, judgment rendering the action void, and judgment awarding civil penalties. However, if the conduct is determined to constitute a violation, the public body may be allowed an opportunity to cure the violation.

Louisiana jurisprudence recognizes a procedural defect in any action taken by a public body does not *necessarily* render the action an absolute nullity and *may* be cured through subsequent ratification.[27] In *Marien v. Rapides Parish Police Jury*,[28] the Louisiana Third Circuit Court of Appeal held a violation of open meetings law was cured when the police jury subsequently reconsidered and ratified its prior action at a properly called meeting.[29] The *Marien* Court relied upon its decision in *Wagner v. Beauregard Parish Police Jury*,[30] wherein the Court held a police jury was authorized to reconsider a matter it handled improperly at an earlier meeting and either

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[20] La. R.S. 42:16.
[21] La. R.S. 42:17(A)(1).
[22] La. R.S. 42:17(A)(1); La. R.S. 42:17(A)(5).
[23] La. C.C. art 10, 11.
[24] *Martin v. Thomas*, 21-1490 (La. 06/29/22) 346 So.3d 238, 242 (internal citations omitted).
[25] La. R.S. 42:12; *City of Baker School Board v. Board of Elementary and Secondary Education, Recovery School District, and Geo Academies EBR*, 2025-0799 (La. App. 1 Cir. 07/21/26), 2026 WL 2097771.
[26] *See Mabry v. Union Par. Sch. Bd.*, 42,856 (La. App. 2 Cir. 01/16/08), 974 So.2d 787, 790.
[27] La. C.Cr.P. art. 5; La. C.C.P. art. 5053; La. R.S. 1:3.
[28] *Marien v. Rapides Parish Police Jury*, 98-77, (La. App. 3 Cir. 06/17/98), 717 So.2d 1187, *writ denied*, 727 So. 2d 1166 (La. 1998).
[29] *Marien v. Rapides Parish Police Jury*, 717 So.2d at 1193.
[30] *Wagner v. Beauregard Parish Police Jury*, 525 So.2d 166 (La. App. 3 Cir. 1988).

ratify or rescind the prior action.[31] Relying on *Delta Development v. Plaquemines Parish*,[32] which held an action taken by a public body without compliance with the Open Meetings Law was **not** an absolute nullity and could be cured through subsequent corrective action,[33] the *Marien* Court held, consistent with its decision in *Wagner*, the police jury could ratify or rescind the improper action at a subsequent meeting. The decisions in all three cases were based upon the public bodies' original violations of the open meetings laws occurring in an attempt to follow and/or conform with the law and on advice of counsel.[34]

WRITTEN FINDINGS

The complaint is timely filed, and some of the allegations contained therein have merit. In light of the above facts and supporting law, the District Attorney's Office finds as follows:

The Board's November 13, 2026, agenda violated La. R.S. 42:19(A)(1)(b)(ii)(bb). However, this violation can be cured.

The statute imposes two distinct requirements: each item must be "listed separately," and each item must be "described with reasonable specificity."[35] The agenda nominally satisfies the first requirement by listing two items. It does not satisfy the second. "Personnel actions" is a category, not a description. A personnel action may be a hiring, a termination, a discipline, a promotion, a contract extension, a salary change, or, as here, the departure of the System's chief executive officer and the selection of his successor. The second item, "other personnel actions," describes nothing more than that it is different from the first. Read together, the items did not reasonably inform the public that the Board would consider matters concerning the System President's departure and the selection of a successor.

The governing standard is whether a reasonable member of the public, reading the agenda item, could determine the action the public body would take. In *Parker v. Livingston Parish Government*, the First Circuit affirmed a trial court's finding that an agenda item was not described with reasonable specificity, explaining:

> There was a factual basis for the trial court to conclude that no reasonable member of the public could read the agenda item and determine that the removal of Mr. Parker from the Tourism Board was on the agenda.[36]

The same is true here. No reasonable member of the public could read "Consideration of personnel actions for the UL System" and determine that the System President's resignation was before the Board, and no reasonable member of the public could read "Consideration of other

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[31] *Wagner v. Beauregard Parish Police Jury*, 525 So.2d at 169 (La. App. 3 Cir. 1988).
[32] *Delta Development Co. v. Plaquemines Parish*, 451 So.2d 134, 136-137 (La. App. 4 Cir. 1984), *writ denied*, 456 So.2d 172 (La. 1984).
[33] *Delta Development Co. v. Plaquemines Parish*, 451 So.2d at 136-137 (La. App. 4 Cir. 1984) (emphasis added).
[34] *Marien v. Rapides Parish Police Jury*, 717 So.2d at 1193.
[35] La. R.S. 42:19(A)(1)(b)(ii)(bb).
[36] *Parker v. Livingston Par. Gov't*, 2025-0039 (La. App. 1 Cir. 10/08/25), 423 So.3d 255, 263, *reh'g denied* (11/20/25), *writ granted in part, judgment rev'd in part on other grounds*, 2025-01598 (La. 04/09/26), 431 So.3d 363. The Supreme Court reversed only the portion of the judgment casting an individual council member for attorney fees and otherwise denied the writ.

personnel actions related to UL System" and determine that the Board would select and appoint a new System President. The issue is not that the agenda had to disclose every detail or predetermine the outcome. It is that neither item identified the office or subject matter at the center of the Board's actions.

The District Attorney's Office has also considered the contention, raised in the UL System's memorandum, that the Board could not have noticed the System President's resignation because he had not resigned when the agenda was posted, and that the Board could not change the agenda once he did. The District Attorney's Office does not find this persuasive.

The Board did not need to announce a resignation in order to describe the subject of the meeting with reasonable specificity. The special meeting was noticed following public reports concerning the System President, and the Board knew when it posted the agenda that the President's employment was the subject of the meeting. There are possible ways to inform the public without prejudging the outcome. The defect here is not that the agenda described the wrong action, as in *Parker*, but that it described no action at all.

The Open Meetings Law provided a lawful path once the resignation was tendered. Although the agenda could not be changed within twenty-four hours of the meeting, a public body may, upon unanimous approval of the members present, take up a matter not on the agenda, provided the motion identifies the matter with reasonable specificity, including the purpose for the addition, and the public is given an opportunity to comment on the motion before the vote.[37] The Board voted unanimously on both actions taken, but it did not use this procedure.

The timing also does not establish that the Board had no practical alternative. President Gallot's resignation was effective December 1, 2026, and Dr. Brumley's appointment likewise was to take effect December 1, 2026. On the facts presently available, the System was not left without a chief executive on November 13, and the Board could have called a properly noticed meeting identifying the System presidency and the contemplated leadership action.

The District Attorney's Office has considered the decisions upholding generally worded agenda items.[38] Those decisions do not control. The item upheld in *Shirley* named the specific position to be filled: an "assistant principal position at DeRidder Junior High School." Neither item here named the office of System President. More recently, the First Circuit reversed the Nineteenth Judicial District Court and held an agenda item insufficient because it did "not state what actions the committee was to take or consider at the meeting."[39] The same is true of "personnel actions" and "other personnel actions."

Public awareness of the matter through news reports or social media does not cure a deficient agenda. The question is whether the agenda itself advises the public, and the First Circuit evaluates an agenda item "[w]ithout any reference to other agendas or outside information."[40]

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[37] La. R.S. 42:19(A)(1)(b)(ii)(cc).

[38] *Shirley v. Beauregard Par. Sch. Bd.*, 615 So.2d 17, 19 (La. App. 3 Cir. 1993); *Phillips v. Bd. of Sup'rs of La. State Univ. & Agric. & Mech. Coll.*, 391 So.2d 1217, 1219-1220 (La. App. 1 Cir. 1980).

[39] *City of Baker School Board v. Board of Elementary and Secondary Education, Recovery School District, and Geo Academies EBR*, 2025-0799, pp. 8-9 (La. App. 1 Cir. 07/21/26), 2026 WL 2097771.

[40] *Id.*

Likewise, a complainant's ability to identify the actions after the meeting does not show that the public received notice before it.

La. R.S. 44:3.8, which exempts certain records of applicants for president of a public postsecondary education institution from the Public Records Law, does not alter this analysis. That provision governs the disclosure of records. It neither authorizes an executive session nor relaxes the agenda requirements of La. R.S. 42:19. Moreover, once the governing board approves an applicant, the records of the top three finalists become subject to disclosure.[41]

Accordingly, the agenda is in violation of La. R.S. 42:19(A)(1)(b)(ii)(bb). However, this violation can be cured.

The complaint contends the executive session was improper because its purpose was to privately interview a person who was not employed by or under contract with the System. As framed, this contention likely does not establish a violation.

La. R.S. 42:17(A)(1) authorizes an executive session to discuss the character, professional competence, or physical or mental health of "a person."[42] The discussion of a candidate's professional competence for a position the Board is about to fill falls within the plain text of the exception. Nor does the statute's exclusion for "the appointment of a person to a public body" apply. That exclusion concerns appointment of a person *to* a public body, that is, to membership on a board, commission, or similar body. The System President is the Board's chief executive officer, appointed by the Board. He is not a member of the Board or of any other public body.

An executive session under La. R.S. 42:17(A)(1) is lawful only if each statutory condition is met. Specifically:

> (1) **Written notice to the person discussed.** If any individual's character or professional competence was discussed, the individual must have been notified in writing at least twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time of the meeting, that is, no later than 1:00 p.m. on Thursday, November 12, 2026, and advised that the individual could require that the discussion be held in open meeting.[43] The "extraordinary emergency" exception to the notice requirement does not apply. A planned leadership transition, with a vacancy effective December 1, 2026, is not a matter of similar magnitude to a natural disaster, epidemic, civil disturbance, insurrection, or invasion.[44] The recording reflects that the Board entered executive session on the second agenda item, concerning the appointment of a new System President, and that Dr. Brumley attended. Even if written notice to Dr. Brumley was not timely, the First Circuit has declined to grant relief for technical violations of the Open Meetings Law where the person

[41] La. R.S. 44:3.8(A)(1).
[42] La. R.S. 42:17(A)(1).
[43] La. R.S. 42:17(A)(1).
[44] La. R.S. 42:17(A)(1); (A)(5).

discussed had actual notice of the meeting, attended, and did not require that the discussion be held in open meeting.[45]

(2) **Vote and reason recorded.** The executive session must have been convened by a two-thirds vote of the members present, taken in open meeting, with each member's vote and the reason for the executive session recorded and entered into the minutes.[46] The recording reflects a vote on the question of holding the executive session.

(3) **Scope.** The discussion must have been limited to Dr. Brumley's character, professional competence, or physical or mental health. Discussion of compensation, contract terms, effective dates, the terms of President Gallot's departure, or transition logistics falls outside La. R.S. 42:17(A)(1) and must occur in open session. Nothing in the present record indicates the discussion exceeded these limits.

(4) **No final or binding action.** No final or binding action may be taken in executive session, and the executive session may not be used as a subterfuge.[47] The recording reflects that the appointment was voted upon in open session following a request for public comment.

As noted above, the District Attorney's Office has requested the Board produce: (a) any written notice provided to Dr. Brumley, President Gallot, and any other individuals pursuant to La. R.S. 42:17(A)(1), with proof of the date and time of delivery; and (b) the minutes, or draft minutes, of the November 13, 2026, meeting. Based on the present record, the executive session appears to have been lawful. The District Attorney's Office reserves a final finding on the executive session pending receipt of these materials.

The complaint also requests that the maximum civil penalties be imposed under La. R.S. 42:28. A civil penalty may be imposed only upon a member who knowingly and willfully participates in a meeting conducted in violation of the Open Meetings Law, and recovery against an individual member is limited to a civil penalty of $500.00 per violation.[48] Although the complaint characterizes the agenda as "clearly defective and intended to avoid transparency," the present record does not establish that any member knowingly and willfully participated in a violation. The District Attorney's Office declines to seek civil penalties at this time, but reserves the right to do so.

The District Attorney's Office understands the situation the Board faced. The System President tendered his resignation the morning of the meeting, after the agenda had been posted, and the Board sought to act promptly on a matter of significant public importance. Nevertheless, the District Attorney's Office must apply the Open Meetings Law as written, and the statute requires that each item on the agenda be described with reasonable specificity. Accordingly, the

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[45] *Daigre v. Terrebonne Ass'n for Retarded Citizens*, 88-0440 (La. App. 1 Cir. 5/16/89), 543 So.2d 1108, *writ denied*, 548 So.2d 333 (La. 1989) (decided under former La. R.S. 42:6.1, now La. R.S. 42:17).
[46] La. R.S. 42:16.
[47] La. R.S. 42:16.
[48] La. R.S. 42:28.

District Attorney's Office concludes the Board failed to comply with La. R.S. 42:19(A)(1)(b)(ii)(bb).

Based upon the available evidence, the District Attorney's Office recommends the UL System take corrective action to cure the procedural violation. This letter constitutes the District Attorney's Office written reasons, pursuant to La. R.S. 42:25, for not instituting proceedings at this time. If UL System does not cure the violation by December 1, 2026, the District Attorney's Office will proceed with enforcement proceedings as described in La. R.S. 42:25 and 26.

The District Attorney's Office sincerely appreciates your bringing this issue to its attention. Please feel free to contact the District Attorney's Office should you have any future concerns.

Sincerely,

Hillar C. Moore, III
19th Judicial District Attorney

cc:
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