



HILLAR C. MOORE, III

DISTRICT ATTORNEY, 19TH JUDICIAL DISTRICT
EAST BATON ROUGE PARISH

August 21, 2026

Friends of City Park Baton Rouge, Inc.
ATTN: N. Peter Davis, Director
219 Croydon Avenue
Baton Rouge, LA 10806
VIA EMAIL: friendsofcityparkbr@gmail.com; pdavis@crypressla.com;
stanspringbr@gmail.com

Dear Mr. Davis:

Please review the District Attorney's Office's written findings regarding the July 30, 2026, open meetings complaint submitted on behalf of your organization Friends of City Park Baton Rouge, Inc., hereinafter FOCPBR. Overall, the Office determined the complaint has merit.

SUBMITTAL OF A COMPLAINT

On July 30, 2026, our office received FOCPBR's complaint regarding the public Baton Rouge Recreation Commission, hereinafter BREC, meeting held July 23, 2026, at 6201 Florida Boulevard, Baton Rouge, LA 70806. Specifically, you allege BREC improperly held an executive session without first providing a formal written demand to FOCPBR **and** without existing litigation between FOCPBR and BREC.¹ You further allege because the meeting's agenda was deficient for failing to reasonably identify the subject matter of the prospective litigation and the parties to the litigation, both BREC's executive session and subsequent demand sent to FOCPBR are in violation of the open meetings laws.²

Your complaint included six exhibits: (1) July 23, 2026, BREC Commissioners' Meeting Agenda; (2) July 23, 2026, link to BREC Commissioners' Meeting;³ (3) July 28, 2026, Michael Polito/BREC Letter to FOCPBR; (4) July 29, 2026, FOCPBR Response Letter to Michael Polito; (5) July 29, 2026, FOCPBR Complaint Letter to District Attorney Hillar C. Moore, III; and (6) July 30, 2026, email from Michael Polito/BREC to FOCPBR.

Upon reviewing the complaint, the District Attorney's Office requested supplemental materials from Mr. Stan Spring of FOCPBR, which were received on August 4, 2026.⁴ The

¹ A violation of La. R.S. 42:17(A)(2).

² A violation of La. R.S. 42:19(A)(1)(b)(iii).

³ <https://brec.portal.civicclerk.com/event/1287/media>.

⁴ Based upon references in the original complaint, the District Attorney's Office requested any and all correspondence between the parties on or about June 17, 2026.



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additional documentation included: (1) email correspondence dated between June 10, 2026 and June 17, 2026; (2) June 16, 2026 FOCPBR Special Meeting of the Board of Directors Minutes; (3) "Keep City Park Golf Course INTACT Save City Park Golf" petition with QR code and commissioners@brec.org email listed as contact, 11 pages; and (4) 2 images of BREC Facebook posts.

We also received a response from BREC, indicating its agenda and executive session complied with La. R.S. 42:16 and 17.

Our office reviewed all of the submitted documents, as well as the July 23, 2026, BREC Commissioners' Meeting video, agenda, and minutes, which are posted online.⁵

FACTUAL BACKGROUND

FOCPBR is a 501(c)(3) nonprofit organization registered with the Louisiana Secretary of State Commercial Database since November 3, 2003. The organization is an independent, community advocacy group dedicated to preserving Historic City Park and its golf course. FOCPBR has no association with City-Brooks Community Park or Historic City Park, which are publicly-owned places.

Created in 1946, BREC is a political subdivision and derives its authority from the Legislature. BREC is a separate political subdivision and public body responsible for providing parks and recreational facilities to the people of East Baton Rouge Parish.

During an email exchange on June 10, 2026,⁶ BREC Commissioner Michael Polito, hereinafter Polito, demanded FOCPBR Director Stan Spring, hereinafter Spring, provide documentation allowing FOCPBR "to associate or claim association with City Park, or use its good name" by end of business on June 17, 2026.

On June 17, 2026, Polito followed up on his initial request. Spring responded, stating FOCPBR is "an independent, grassroots organization of taxpayers exercising our First Amendment rights to advocate for public land." Spring further asserted FOCPBR "require[s] no formal agreement or permission from a political subdivision to voice [their] concerns, nor [claim] any official operating affiliation with BREC."

⁵ https://www.brec.org/assets/Commission_Meetings/Minutes/20260723_Minutes_DRAFT_FINAL.pdf.

⁶ The June 10, 2026, email exchange appears to have been initiated by FOCPBR relative to proposed changes to Historic City Park Golf Course.



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Polito requested FOCPBR “immediately cease using BREC’s name and trademark.” Specifically, Polito asserted FOCPBR’s alleged use and association was “misleading, creat[ing] confusion regarding affiliation to BREC, and [] causing harm to the organization.”

Spring claimed FOCPBR was unaware of any use of BREC’s name or trademark and requested examples of Polito’s allegations. Polito provided two screenshots containing BREC Facebook account posts, both of which were BREC event flyers. FOCPBR subsequently emailed the screenshots to the BREC commissioners of BREC stating it “highlights a concerning lack of attention to detail.”

On July 23, 2026, BREC held a public meeting at the BREC Administration Building. Per the “New Business” section of the Agenda, the commission “anticipate[d] calling an Executive Session pursuant to LSA-R.S. 42:17(A)(2), for the purpose of discussing prospective litigation ad strategy.” The executive session begins at the 1:12:30 mark of the recording of the meeting and concludes at the 1:42:43 mark. Members voted to resolve the issue by authorizing BREC staff to draft and issue a letter to FOCPBR, as indicated on the Agenda. There is **not**, however, mention about the subject matter of the prospective litigation against FOCPBR in the agenda or recording.

On July 28, 2026, Polito sent a letter to FOCPBR’s Board of Directors. Specifically, Polito, on behalf of BREC, expressed concern about FOCPBR’s acts and branding, which were done in a manner which makes people believe them to be affiliated with BREC. The letter concluded with a demand FOCPBR refrain from using BREC or City Park’s name, image, and/or likeness in a manner or way reasonably suggesting an affiliation. BREC’s request was for FOCPBR to implement a voluntary disclosure, stating BREC and FOCPBR are not affiliated. BREC also expressed an interest in establishing a future, authorized relationship and allowing FOCPBR to become an “approved friends organization.”

On July 29, 2026, the FOCPBR Board of Directors responded to BREC’s demand letter. The invitation to become an “approved friends organization” was declined, as FOCPBR was created to be a community advocacy organization and must remain independent from local government. FOCPBR also disputed BREC’s claims about confusing members of the community about having any association with the Commission. FOCPR cited the long history of its actions against BREC activities, *i.e.*, the posting of yard signs protesting BREC’s master reconfiguration plan, in support of its position. FOCPBR asserts it is *unreasonable* to assume people believe the organization is linked to BREC when its actions are so contrary to the programs BREC seeks to advance. FOCPBR further contends BREC provided no evidence of similar branding between the organizations. Finally, FOCPBR asserted prior to the executive session held at BREC’s July 23, 2026, meeting, no litigation had been filed nor a formal written demand issued. Additionally, the meeting’s agenda lacked sufficient detail(s). Thus, the executive session was in violation of Louisiana Open Meetings law.



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Polito responded to FOCPBR on July 30, 2026, stating based on advice from counsel the executive session complied with Open Meeting law. Polito stated the executive session was about potential trademark infringement and did not violate law.

FOCPBR formally submitted an Open Meeting Complaint against BREC on July 30, 2026. FOCPBR's complaint challenges only the executive session held during BREC Commissioners' Meeting on July 23, 2026. Per the complaint, the executive session violated La. R.S. 42:17(A)(2) and 42:19(A)(1)(b)(iii).

On August 4, 2026, BREC's General Counsel, Aneatra Boykin, responded to FOCPBR's complaint, asserting the Commission's actions complied with Louisiana's open meetings laws. In responding to FOCPBR's claims, BREC purports the closing of the meeting and lack of specificity for an executive session is supported by: (1) ongoing litigation involving a former employee; (2) prospective litigation and legal strategy relating to BREC's contractual relationship with vendor Sustainability Partners; and (3) prospective litigation and legal issues involving name, image, and likeness with FOCPBR. BREC contends the topics discussed fell within the scope of the word "litigation," so BREC satisfied all notice requirements under the law. BREC further asserts the executive session was limited to discussion only, with no decisions being made therein, and "after [t]wo-thirds of the members present voted in favor, and the reason for entering executive session [...] was stated on the record and reflected in the minutes" Therefore, BREC's maintains no violation occurred, as the agenda provided sufficient notice and the executive session conformed with La. R.S. 42:16. BREC's response is silent as to whether a formal demand was sent to FOCPBR and, if so, when.

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.*, 38:307.9, 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.⁷ "The word 'shall' is mandatory."⁸ In order to void an open meeting violation, the complaint *must* be commenced within sixty (60) days of the

⁷ La. R.S. 42:24 (emphasis added).

⁸ La. C.Cr.P. art. 5; La. C.C.P. art. 5053; La. R.S. 1:3.



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alleged violation.⁹ The rights created by the open meetings provisions are peremptory and expire if not timely exercised.¹⁰

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.¹¹

The Louisiana Legislature enacted the Open Meetings Law¹² 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.¹³

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. 42:16, which governs executive sessions, and 42:17, which governs exceptions to open meetings, are the only statutes relevant to the complaint discussed herein. An executive session discusses matters which *may* be exempted from open meetings, *e.g.*, prospective litigation and/or trial strategy. La. R.S. 42:17(A)(2) provides, in part, in order for a public body to call an executive session regarding prospective litigation, the public body must first send a formal, written demand to the party of the prospective litigation.

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*

⁹ La. R.S. 42:24 (emphasis added).

¹⁰ 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.”

¹¹ 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)).

¹² La. R.S. 42:11, *et seq.*

¹³ *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.



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*within those 24 hours.*¹⁴ For executive sessions regarding prospective litigation, the notice must meet certain requirements: “A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.”¹⁵

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.¹⁶ The legislative intent in enacting the law is the primary consideration in deciding.¹⁷ 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.¹⁸

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.¹⁹ 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.²⁰ In *Marien v. Rapides Parish Police Jury*,²¹ 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.²² The *Marien* Court relied upon its decision in *Wagner v. Beauregard Parish Police Jury*,²³ wherein the Court held a police jury was authorized to reconsider a matter it handled improperly at an earlier meeting and either ratify or rescind the prior action.²⁴ Relying on *Delta Development v. Plaquemines Parish*,²⁵ which

¹⁴ La. R.S. 42:19 (emphasis added).

¹⁵ La. R.S. 42:19(A)(1)(b)(iii)(bb).

¹⁶ La. C.C. art 10, 11.

¹⁷ *Martin v. Thomas*, 21-1490 (La. 06/29/22) 346 So.3d 238, 242 (internal citations omitted).

¹⁸ 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.

¹⁹ See *Mabry v. Union Par. Sch. Bd.*, 42,856 (La. App. 2 Cir. 01/16/08), 974 So.2d 787, 790.

²⁰ La. C.Cr.P. art. 5; La. C.C.P. art. 5053; La. R.S. 1:3.

²¹ *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).

²² *Marien v. Rapides Parish Police Jury*, 717 So.2d at 1193.

²³ *Wagner v. Beauregard Parish Police Jury*, 525 So.2d 166 (La. App. 3 Cir. 1988).

²⁴ *Wagner v. Beauregard Parish Police Jury*, 525 So.2d at 169 (La. App. 3 Cir. 1988).

²⁵ *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).



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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,²⁶ 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 Court's 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.²⁷

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:

Polito's June 10, 2026, email request for documentation allowing FOCBPR "to associate or claim association with City Park, or use its good name" by close of business June 17, 2026, satisfies the formal written demand requirement under La. R.S. 42:17(A)(2). Polito's follow up email supports the conclusion the initial email was intended as a demand.²⁸ Thus, FOCBPR received a formal written demand from BREC on June 10, 2026. The request indicates BREC believes FOCBPR is using City Park and/or BREC's name, image, and likeness wrongfully. Moreover, Polito's assertion he will "move forward with the assumption there are none" notices BREC's intent to pursue action against FOCBPR for wrongful or improper use of its name, image, or likeness.

Spring responded to Polito's follow-up request, in pertinent part, FOCBPR "require[s] no formal agreement or political subdivision to voice [] concerns, nor do[es FOCBPR] claim any official operating affiliation with BREC." "Keep City Park Golf Course INTACT Save City Park Golf" petitions were attached to the email. As noted above, the petition sheets include a QR code with the email address commissioners@brec.org email listed for contact. Nothing relating to FOCBPR appears on any of the 21 petition sheets provided to the District Attorney's Office for review.

Subsequently, BREC sent a second, more formal written demand was sent on June 17, 2026:

²⁶ *Delta Development Co. v. Plaquemines Parish*, 451 So.2d at 136-137 (La. App. 4 Cir. 1984) (emphasis added).

²⁷ *Marien v. Rapides Parish Police Jury*, 717 So.2d at 1193.

²⁸ At 5:05 p.m. on June 17, 2026, mpolito@mappbuit.com responded to the email thread with subject line "Re: 10 June 2026 FOCBPR Reply to Mike Polito Question," as follows:

I have not received any documents as requested. I will move forward with the assumption that there are none.



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Stan

Thank you for acknowledging the fact that you are not claiming any affiliation with BREC. I assume this also means you claim no affiliation with City Park.

I respectfully request that you immediately cease using BREC's name and trademark.

The current use is misleading, creates public confusion regarding affiliation with BREC, and is causing harm to the organization and its reputation.

I would be pleased to work with you to identify an alternative name that better reflects your organization's purpose and free speech rights without creating the impression of endorsement, sponsorship, or affiliation with BREC.

FOCPBR asked for specific examples of the alleged infringement. Polito supplied two separate screenshots of BREC Facebook posts.

While FOCBPR challenges the veracity of BREC's trademark claim, the District Attorney's Office will take no position on the matter. The only issue to be addressed during the review of the instant Open Meetings Violation complaint is whether BREC issued a formal written demand prior to calling for an executive session relative to prospective litigation. Based upon the information supplied, BREC satisfied the formal written demand requirement of La. R.S. 42:17(A)(2). Moreover, BREC sent two formal written demands prior to calling the executive session during the July 23, 2026, meeting.

However, while the agenda does provide notice of an executive session being called, BREC's July 23, 2026, executive session violated Open Meetings Law.

Contrary to BREC's assertions in their response, neither their agenda nor procedure is compliant with the applicable law. Pursuant to La. R.S. 42:19(A)(1)(b)(iii), in order to call an executive session under La. R.S. 42:17(A)(2), the meeting notice **shall** include the following information:

- (aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.
- (bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

The notice requirements are not optional, as indicated by the Legislature's use of mandatory language. Counsel's claim the overly-broad description was sufficient to encompass the topics of



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both pending and prospective litigation to be discussed fails. The law requires specific notice for each type of litigation.

Moreover, the assertion the “topics fall squarely within the scope of ‘litigation’ and ‘prospective litigation after formal written demand’ and ‘strategy session ... when an open meeting would have a detrimental effect on the litigating position of the public body’ under La. R.S. 42:17(A)(2)” is a misrepresentation of the law. BREC’s notice and executive session was deficient as to all parties mentioned in its response to this complaint. However, for purposes of this investigation, only the violations relating to FOCBPR will be addressed herein.

In order to discuss prospective litigation against FOCBPR in an executive session, BREC was required to comply with La. R.S. 42:19(A)(1)(b)(iii)(bb). As discussed above, BREC satisfied its formal written demand requirement on both June 10 and June 17, 2026. Still, the statute requires the public notice for the meeting include “[a] statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation.”²⁹ The agenda did not identify trademark infringement, the alleged misuse of BREC’s name or trademarks, FOCBPR as a party to the prospective litigation, or any other reasonably identifiable subject matter of the anticipated litigation. The open meeting agenda simply says, “to discuss prospective litigation and strategy.” It was not until July 28, 2026, when Polito sent a letter *about what was decided at the meeting*, FOCBPR learned the subject matter discussed in the executive session as it related to the letter to be drafted to the organization. The notice was insufficient. Thus, the executive session was a violation of the open meetings laws.

In an attempt to circumvent the open meetings laws, BREC’s response contends the executive session was compliant because of the ongoing litigation with a former employee. BREC’s contention lacks merit. Courts repeatedly reject public bodies attempting to shield themselves from accountability by claiming “prospective litigation and strategy.”³⁰ Prospective litigation and ongoing litigation are separate and distinct categories of litigation, which is why the legislature distinguishes between them in the exceptions to open meetings and imposes different notice requirements.

Factually, this matter is similar to *Parker v. Livingston Parish Government*,³¹ wherein the First Circuit determined the following:

²⁹ La. R.S. 42:19(A)(1)(b)(iii)(bb).

³⁰ *Courville v. Louisiana Recreational & Used Motor Vehicle Comm'n*, 2008-0952 (La. App. 1 Cir. 06/19/09), 21 So.3d 340, 346.

³¹ *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*, 2025-01598 (La. 04/09/26), 431 So.3d 363.



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[T]he person responsible for drafting the agendas for Council meetings, testified that she did not realize what actually occurred at the March 14 meeting until drafting the minutes from the meeting. Fellow Councilmember Goff testified “that the agenda wasn't very specific” and acknowledged that he was not aware of any additional information in the agenda that would have explained the reasons for the item being on the agenda. Further, Mr. Parker testified that he was first informed of his removal from the Tourism Board via phone call on March 18—four days after the Council's action. In light of the above, Mr. Parker concludes that agenda item 20(a) was not described with reasonable specificity.

Considering the foregoing evidence, we conclude that the trial court's ruling that the March 14, 2024, agenda item 20(a) was not described with reasonable specificity as required by LSA-R.S. 42:19(A)(1)(b)(ii)(bb), was not manifestly erroneous. 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

Moreover, courts have consistently held executive sessions to discuss prospective litigation after formal written demand must identify by name the parties involved.³² Despite BREC's assertions the July 23, 2026 meeting is compliant with Open Meetings Laws because the discussions were limited, the reasons were recorded, and no final or binding action were taken, BREC's position is not supported by statutory or jurisprudential law. Without reviewing the entirety of the information of both parties, though most of the information was provided by FOCBPR, BREC's public notice fails to describe with sufficient particularity the parties or subject matter(s) to justify the calling of an executive session.

Therefore, the District Attorney's Office must conclude BREC failed to comply with Open Meetings Law. Based upon the available evidence, the District Attorney's Office recommends BREC take corrective action to cure the procedural violation within 15 days. If BREC does not cure the violation by September 7, 2026, the District Attorney's Office will proceed with enforcement proceedings as described in La. R.S. 42:25 and 26.

³² See, e.g., Op.Atty.Gen., No. 80-325, March 13, 1980.



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

Sincerely,

Hillar C. Moore, III.
19th Judicial District Attorney

cc:

Recreation and Park Commission for the Parish of East Baton Rouge
ATTN: Aneatra Boykin, Chief Administrative Officer and General Counsel
6201 Florida Boulevard
Baton Rouge, LA 70806

VIA EMAIL: aneatra.boykin@brec.org; mpolito@mappbuilt.com; commissioners@brec.org

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