

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

NUMBER 057022 DIVISION

JACOB JOHNSON

SEC. 24

VERSUS

DARYL PURPERA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS LOUISIANA LEGISLATIVE AUDITOR,  
STATE OF LOUISIANA, THROUGH LOUISIANA LEGISLATIVE AUDITOR

\*\*\*\*\*

PETITION

The Petition of Jacob Johnson, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, respectfully represents:

1.

The defendants enumerated below are justly and truly indebted unto Petitioner for all sums as are reasonable under the premises, attorney's fees, litigation expenses, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity:

FILED  
EAST BATON ROUGE PARISH, LA  
2017 APR 11 PM 1:54

DEPUTY CLERK OF COURT

Daryl Purpera, individually and in his official capacity as Louisiana Legislative Auditor (hereinafter "Purpera"), a resident of the full age of majority, upon information and belief, of East Baton Rouge Parish, Louisiana;

State of Louisiana, through Louisiana Legislative Auditor, domiciled in East Baton Rouge Parish, Louisiana, which at all times employed and was responsible for defendant Purpera and his Agency, Louisiana Legislative Auditor.

2.

In October, 2011, Petitioner began employment as the Executive Director of HEAL - the Health Education Authority of Louisiana. HEAL is a quasi-public Agency charged with the responsibility of developing a medical corridor in New Orleans and, in that regard, providing bonds for the acquisition and construction of medical facilities. When originally created in 1968, HEAL was located as a sub Agency within the Louisiana Department of Health and Hospitals although, by law, HEAL is an autonomous Agency which operates solely from self-generated funds. In 2015, after consultation with and approval by the HEAL Board, Petitioner contacted various Louisiana Legislators to secure various amendments to the laws creating and governing

HEAL, including as regards to the composition of the HEAL Board of Directors and removal of HEAL from the auspices of LDHH. Legislation was introduced in 2016 ultimately passing and becoming law as of August 1, 2016.

3.

However, prior to August 1, 2016 and intensifying specifically in response to HEAL's anticipated Legislative Amendments in early 2015, the LDHH, namely Jeff Reynolds, contacted LLA, namely Wes Gouch with LLA and defendant Purpera. In various meetings, LDHH insisted that the LLA conduct an "audit" of HEAL with the express purpose of discrediting Petitioner and securing Petitioner's termination from employment.

4.

Defendant LLA created an "audit team" in fall, 2015, consisting of Angela Caveratta, embedded auditor at LDHH, Justin James, Tori Davis, Joseph Johnston, and Carrie Thompson. From its inception, the "audit team" was directly instructed by the defendants to target Petitioner and "find" anything it can to discredit Petitioner.

5.

Throughout Petitioner's initial interactions with LDHH, namely Reynolds, Reynolds made repeated disparaging comments regarding the fact that Petitioner is African American and questioning how and/or if Petitioner was "qualified" for his job. In addition, LLA's General Counsel commented that Petitioner's clothes "looked expensive" during a "morning round table" meeting at LLA and implied that Petitioner must be stealing money. Present at that meeting and for the comments of LLA General Counsel were Wes Gooch, Nicole Edmondson, Ernie Summerville, and Daryl Pupera.

6.

Shortly after the "audit" began, Petitioner began tape recording nearly all of his interactions with defendant LLA and its personnel.

7.

In several recordings of meetings between LLA Auditors and Petitioner, LLA Auditor James repeatedly advised Petitioner that he had been instructed as had the "audit team" to separate Petitioner from the HEAL Board in order to secure Petitioner's termination. James, himself an African American, also advised Petitioner that the audit was not being conducted for legitimate reasons and that it was actually being conducted to secure Petitioner's termination and because

Petitioner is African American. In one of the recorded interactions on 7/1/16, James relayed to Petitioner that he, Petitioner, was being scrutinized like Justice Johnson when she was challenged by her colleagues. James told Petitioner that he and LLA had conducted audits of lower courts and began finding “stuff” that the lower courts were doing and then they started “piling it on” Chief Justice Johnson because “they wanted her to jump”, “to remind her you’re still a n\*\*\*\*”, “you may still be the first black Chief Justice, but we want you to know you’re still a n\*\*\*\*”. James repeatedly confirmed to Petitioner that the “audit” was deliberately not being conducted in an ordinary fashion by defendant LLA because the stated goal of the defendants was to get Petitioner terminated. Indeed, on several occasions, LLA confirmed that significant pieces of information favorable to Petitioner and HEAL were deliberately omitted and/or written in such a fashion as to harm Petitioner.

8.

On several recorded occasions, James, on behalf of defendant LLA, advised Petitioner the “audit” was: “You and I both know it’s going to be like the OJ hearing, the OJ verdict”, “They’re [referring to defendants] just doing everything they can to make it hard on you”, “But the problem is – and that’s the kicker – the intent wasn’t to avoid the issue . . . [they wanted to exterminate]”, “it ain’t water cooler talk. Meetings are being held; and during the meeting, they’re talking about HEAL. I had a coworker, she’s on the Northshore. And she said, yeah, man, what that dude doing over there? I said, what dude? That guy over there at HEAL. They said, HEAL ain’t done nothing in 60-some years. I said, that’s not true. I said, they hadn’t issued bonds since 2004. You know, she was, like, well, the way they make it sound. And I said, who did you hear that from? My manager. . . they I was talking to somebody else, another manager, she had heard about it; and I talked to another manager, she had heard about it”, [regarding the “audit”]: “it’s ridiculous”, “everybody gets a play-by-play on everything that goes on in this [referring to the “audit” and, particularly, Jeff Reynolds and Petitioner]”, [this “audit”] “It’s about certain individuals in the Legislative Auditor’s Office wanting to make themselves appear to be something big – larger than life. . . they want it to be this one”, “They’re looking to make an example out of HEAL”, [the “audit”] “was about let’s – let’s get this guy [referring to Petitioner]”, “That’s what it was [tie a noose around his neck and let him hang there]”, “I guarantee they are drumming something up [referring to defendants LLA and Purpera]”, “the objective [of the “audit”] is to . . . actually trying to make a name for themselves”, “if we can find fault in Jacob and we make HEAL weaker, they

don't have an executive director. . . So if we can show that Jacob. . . of, if we can separate the Board from the executive director, then, bam, we got both. . . they're trying to. . . ultimately eliminate HEAL", "a lot of this is directed towards you", [referring to the draft of the "audit report"] "There's tons of information I tried to include that wasn't included", "the problem here is. . . it can't be substantiated. And because it can't be substantiated, I mean, that's why it looks so flimsy", "It ain't a HEAL issue; it's a Jacob executive director problem. That's what it is", "But I've seen in the past with the higher – the politically-connected entities, they will change our report and they will include those statements, if they can be substantiated. And when I say 'substantiated', if you say it and then you get your Board to confirm it", "we're [referring to African Americans] expected to be submissive".

9.

On several occasions, defendants publicly and falsely stated that Petitioner had engaged in fraud, that he had stolen money, that he had entered into contracts which had not been approved, that he had illegally inflated travel expenditures, that he had illegally paid himself a raise, and that Petitioner had violated his fiduciary responsibilities to HEAL and the citizens of Louisiana.

10.

Specifically, on and before June 22, 2016, defendant LLA, through Thompson, Gooch, James, and Davis, created a "bullet" list of accusations against Petitioner which defendant distributed to members of the HEAL Board of Directors prior to a June 22, 2016, meeting of the Board. In that document, defendant falsely stated that Petitioner had engaged in malfeasance, misgovernment, illegal activities, and misappropriation of funds. During the June 22, 2016, meeting between LLA, Petitioner, HEAL staff and Board members, LLA auditors confirmed they had received a number of public documents which demonstrated that Petitioner had not engaged in the crimes defendant LLA had falsely accused him of. However, LLA also stated that it would nonetheless include several of its false accusations in its audit report even though it knew the information to be false and/or the result of pure speculation.

11.

On or about July 11, 2016, defendant LLA contacted Terrence Ginn at the Louisiana Board of Regents and informed Mr. Ginn that it had made negative "Findings", which it characterized as "vast", regarding Petitioner and HEAL and provided Ginn a copy of defendant LLA's proposed "audit" which had not been provided to Petitioner nor afforded Petitioner any opportunity to

respond. These statements were false and designed to paint Petitioner in a false public light. In fact, by July 11, 2016, the HEAL Amended Legislation had passed and was awaiting the signature of the Governor. The proposed Legislation provided that HEAL would now be moved from under LDHH to the Board of Regents. Petitioner submits that the LLA false communications to the Board of Regents were designed to derail the transfer of HEAL from LDHH and also to secure the termination of Petitioner as Executive Director of HEAL.

12.

On December 16, 2016, defendants issued a “draft” audit report directly and falsely accusing Petitioner of failing to comply with State law. Although the allegations had been repeatedly proven false by Petitioner and verified and certified Louisiana public records, the “draft” and ensuing “report” deliberately, according to LLA’s auditor James used a “bulleting” technique to highlight certain false and/or conflated allegations in the front sections of the draft in order to deliberately paint Petitioner in a false public light. Also on December 23, 2016, defendants issued another “draft” audit report maligning Petitioner and falsely accusing Petitioner of not doing any work or performing any of his job duties while, at the same time, falsely alleging Petitioner paid himself an unearned, exorbitant salary. Again, defendant utilized the “bulleting” technique to highlight false damaging statements while deliberately hiding and/or omitting facts favorable to Petitioner. Drafts of these audits were publicly disseminated to all members of the HEAL Board, LDHH, the Board of Regents, and others before Petitioner and/or HEAL had any opportunity to respond. The drafts of the audits were disseminated without the benefit of any Management Response. Yet, in a recorded meeting on June 22, 2016, defendant LLA, through Gooch and Thompson, stated that LLA “NEVER” releases a draft audit and only issues an “audit” when it has attached the full response from Management. This statement is false.

13.

Contained in both draft audits initially released by defendants on December 28, 2016, and again on January 23, 2017, were false, defamatory, slanderous, and libelous statements disseminated by defendants to the public and in the media, including television stations throughout Louisiana and to the print media, falsely accusing Petitioner of improper and illegal travel and reimbursement, improper organizational practices, improper and illegal pay practices, improper hiring practices, falsifying public records, for which Petitioner sues for herein. In conjunction with the issuance of the “audit”, defendants LLA and Pupera also issued a “Press Release” on December

28, 2016. Petitioner further shows that the false statements contained in the documents were made with actual malice and/or reckless indifference to the truth.

14.

On January 27, 2017, after issuing the “audit” reports and publicly accusing Petitioner of fraud, malfeasance, theft, illegal activities, misuse/abuse of state funds, defendant LLA, through James, admitted that there was “no fraud”, “there was no misappropriation”, “there was no abuse”, “or anything like that”. Petitioner shows that the false, defamatory statements were made with malice and/or reckless indifference to the truth.

15.

The statements by the defendants were, additionally, accusations of criminal conduct against Petitioner constituting defamation per se.

16.

The actions of defendants as set forth herein constituted the torts of defamation, libel, and slander for which defendants are liable unto Petitioner.

17.

The actions of defendants also constituted the tort of negligence and/or intentional harassment for which defendants are liable unto Petitioner.

18.

As a result of the actions and inactions set forth herein, Petitioner has sustained damages which include, but are not limited to, damage to his good name and reputation, loss of his standing in the community, humiliation and embarrassment, loss of earning capacity, impairment of his right to engage in his chosen occupation, severe emotional distress, medical expenses, and all such other damages as will be more fully shown at trial on the merits and all for which Petitioner specifically sues for herein.

19.

Petitioner is entitled to and desires an award of all such other relief afforded him at law or in equity.

20.

Petitioner is entitled to and desires trial by jury of this matter.

WHEREFORE, Petitioner, Jacob Johnson, prays for trial by jury and after due proceedings are had that there be judgment herein in his favor and against defendants, Daryl Purpera,

individually and in his official capacity, State of Louisiana, through the Office of the Louisiana Legislative Auditor, jointly and in solido as allowed by law, for all sums as are reasonable under the premises, litigation expenses, legal interest thereon from the date of demand until paid, and all such other relief afforded Petitioner at law or in equity.

Respectfully submitted,

By: \_\_\_\_\_  
Jill L. Craft, #20922  
Attorney at Law, LLC  
509 St. Louis Street  
Baton Rouge, Louisiana 70802  
Telephone: (225) 663-2612  
Facsimile: (225) 663-2613

PLEASE SERVE:

Daryl Purpera  
Louisiana Legislative Auditor  
1600 N 3<sup>rd</sup> St  
Baton Rouge, Louisiana 70801

State of Louisiana  
Through Division of Administration  
Commissioner of Administration,  
Jay Dardenne  
1201 N. 3<sup>rd</sup> Street  
Baton Rouge, Louisiana 70802

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

NUMBER \_\_\_\_\_ DIVISION " \_\_\_\_\_ "

JACOB JOHNSON

VERSUS

DARYL PURPERA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS LOUISIANA LEGISLATIVE AUDITOR,  
STATE OF LOUISIANA, THROUGH LOUISIANA LEGISLATIVE AUDITOR

\*\*\*\*\*

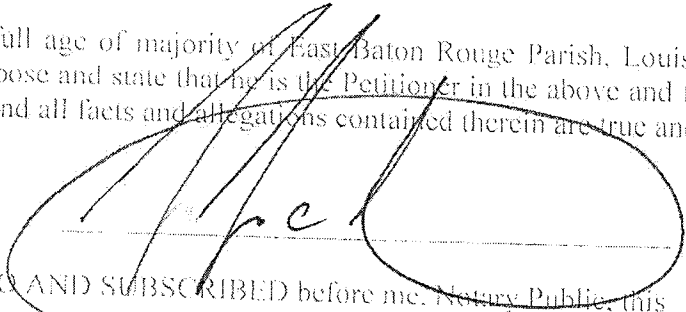
VERIFICATION

STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

Jacob Johnson

a resident of the full age of majority of East Baton Rouge Parish, Louisiana, who upon being  
duly sworn did depose and state that he is the Petitioner in the above and foregoing Petition, that  
he has read same and all facts and allegations contained therein are true and correct.



SWORN TO AND SUBSCRIBED before me, Notary Public, this 11 day of April,  
2017.

