

JEFF LYONS, SR. and
ANDREW ELLENDER
(Plaintiff)

NO. _____ DIV. _____

22ND JUDICIAL DISTRICT COURT

vs.

PARISH OF ST. TAMMANY

CITY OF MANDEVILLE
(Defendant)

STATE OF LOUISIANA

Filed: FEB 27 2024

Katie Gilly

(Deputy Clerk)
Katie Gilly, Deputy Clerk

PETITION FOR WRIT OF MANDAMUS

NOW COMES Jeff Lyons Sr. and Andrew Ellender, petitioners in the above-captioned matter, proceeding pro se, and respectfully represent as follows;

NATURE OF THE CASE

1.

This is an action for a Writ of Mandamus pursuant to La. R.S. 44:35 to compel the Defendant, City of Mandeville, to perform a duty required by law, specifically to provide a complete and final end-of-year financial report, including fund balances, as required by the City Charter of Mandeville, Section 3-05, Subsection 6.

JURISDICTION AND VENUE

2.

This Court has jurisdiction over the subject matter of this action and the parties involved, pursuant to the laws of the State of Louisiana.

3.

Venue is proper in this Court as the actions that are the subject of this petition occurred within St. Tammany Parish, Louisiana.

PARTIES

4.

Jeff Lyons, petitioner, a person of the full age of majority and a resident/taxpayer/citizen of the City of Mandeville with a significant interest in ensuring the transparency and accountability of the local government's financial activities.

5.

Andrew Ellender, petitioner, a person of the full age of majority and a resident/taxpayer/citizen of the City of Mandeville with a significant interest in ensuring the transparency and accountability of the local government's financial activities.

ST. TAMMANY PARISH
STATE OF LOUISIANA
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CLERK OF COURT
NELISSA M. HENRY

7.

Named defendant herein is the City of Mandeville, through its mayor Clay Madden, a municipal entity located within St. Tammany Parish, Louisiana, responsible for providing its citizens, including the petitioner, with annual financial reports as mandated by its charter.

8.

Named defendant herein is Kathleen Sides, Director of Finance and custodian of the public financial records of the City of Mandeville.

FACTUAL BACKGROUND

9.

The City Charter of Mandeville, Section 3-05, Subsection 6, mandates that the City provide a complete and final end-of-year financial report, including fund balances within 45 days after the end of the fiscal year. The fiscal year for the City runs from September 1st through August 31st

10.

Plaintiff Andrew Ellender made a formal public records request On February 9, 2024, for copies of this report including general fund balances On February 16, 2024 he received a response to his request from the city attorney with a link to a website containing receipts and expenditures made by the city. It did not include the general fund balance which was the subject of his request.¹

11.

Plaintiff Andrew Ellender, on February 17, 2024 emailed and informed the city attorney that the link provided did not contain the fund balance as requested. He then requested that he be allowed to view the document at city Hall.²

12.

On February 19, 2024 he received a response from the city attorney that city Hall was closed that day but she would have someone contact him to view the requested information. Following this he went to city Hall on February 21, 2024 when he was told the requested information would be available for him to review. Upon inspection again the requested information was not part of the records provided for him to review. Upon informing the city attorney that the requested information was still not provided as requested her response was that the information provided to him was sufficient for him to calculate the general fund balance.

¹ This correspondence was through email, copies of which are attached hereto as Exhibit A

² This email correspondence is attached hereto as Exhibit B.

13.

Plaintiff is not an accountant and defendant's assertion that the public records request was satisfied by providing the unaudited numbers to him for him to calculate himself is not fulfilling the defendant's duty under Title 44 of the Louisiana Revised Statutes.

14.

Plaintiff Jeff Lyons made a formal request on February 7, 2024 for the FINAL year end finance report including the final general fund balance ending fiscal year 2023.³

15.

Mandeville City Attorney , Elizabeth Sconzert responded to his request the next day via email and informed him the information he requested was available on the city's website and provided link to access the information. The site did contain a section that included the annual financial reports but the one for fiscal year 2023 ending Aug 31, 2023 was not included.

16.

On February 18, 2024 Plaintiff Jeff Lyons responded to Ms. Sconzert and advised her that the link provided did not include the requested information. In his response he again made a formal request for the information.⁴

17.

As of the date of this filing, the City of Mandeville has failed/refused to provide the aforementioned financial report for the fiscal year ending 2023 despite the request made by both of the plaintiffs herein the Plaintiffs

V. CAUSE OF ACTION

18.

The petitioners, both persons of majority and residents of the city of Mandeville have a clear right to the requested information under the City Charter of Mandeville and the Louisiana Public Records act contained in Title 44 of the La. Revised Statutes.

19.

The Defendants have a legal duty to provide the annual financial report, including fund balances, as mandated by its charter. They further have a duty to provide a copy of the annual report if requested by individuals pursuant to the Louisiana Public Records Law contained in Title 44 of the Louisiana Revised Statutes

³ A copy of his request is attached hereto and made a part hereof as Exhibit C.

⁴ A copy of his request is attached hereto and made a part hereof as Exhibit D

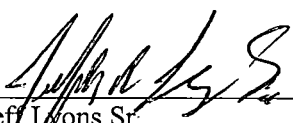
The Defendant has failed and/or refused to perform this duty without legal justification. It is further Plaintiffs position that the defendants refusal to provide the records is arbitrary and Capricious

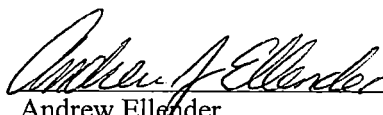
PRAYER FOR RELIEF

WHEREFORE, Andrew Ellender and Jeff Lyons, petitioners herein, respectfully requests that this Honorable Court:

- a. Issue a Writ of Mandamus ordering the Defendants Kathleen Sides , Director of Finance and custodian of the public financial records of the City of Mandeville and the City of Mandeville through its Mayor Clay Madden, to show cause on a date and time to be set by this Honorable Court, which shall not exceed 10 days from the date of filing of this petition, why they should not be ordered to immediately provide a complete and final end-of-year financial report, including fund balances, as required by Section 3-05, Subsection 6 of the City Charter.; and
- b. Further why there should not be a judgment for damages granted against them and in favor of the plaintiffs together with all costs and attorney’s fees incurred by the petitioners.

VII. RESPECTFULLY SUBMITTED

 date 02/26/2024
 Jeff Lyons Sr.
 515 Lamarque Street
 Mandeville, La 70448]
 (985) 373-1139
lyonshoover@bellsouth.net

 date 2/26/2024
 Andrew Ellender
 780 Lambert Street
 Mandeville, La 70448
 (985) 218-3135
Andrew.ellender@gmail.com

Please serve:
Mayor Clay Madden
 City of Mandeville
 3101 E. Causeway Approach
 Mandeville, La 70448

Director of Finance Kathleen Sides
 City of Mandeville
 3101 E. Causeway Approach