

Bond Case Briefs

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MUNICIPAL ORDINANCE - LOUISIANA

DMK Acquisitions & Properties, L.L.C. v. City of New Orleans

**Court of Appeal of Louisiana, Fourth Circuit - September 18, 2013 - So.3d - 2013-0405
(La.App. 4 Cir. 9/18/13)**

As a result of Hurricane Katrina, the Property, which was the former location of the Lake Terrace Shopping Center (a strip mall), sustained extensive damage. DMK purchased the Property for \$1.35 million. At the time of the purchase, the hurricane damage to the Property had not been repaired. The City awarded DMK an Economic Development Fund grant totaling \$250,000, which was intended to help bring the Property back into commerce.

The City commenced a code enforcement proceeding against DMK. The City alleged that DMK was in violation of its municipal ordinances prohibiting public nuisance and blighted property. The City's administrative hearing officer (HO) found DMK guilty of the charged violations and imposed various fines.

DMK appealed, alleging procedural, statutory, and constitutional contentions relating to the administrative hearing, essentially: (i) witnesses not being required to testify under oath at the administrative hearing, and (ii) hearsay evidence being accepted and the inability to cross-examine witnesses.

The appeals court found no violations of DMK's rights, upholding the judgment against it.