

# **Bond Case Briefs**

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## **WHISTLEBLOWER LAW - TEXAS**

### **City of Fritch v. Coker**

**Court of Appeals of Texas, Amarillo - February 27, 2014 - Not Reported in S.W.3d - 2014 WL 812915**

Kirk Coker was the Chief of Police for the City of Fritch, Texas. Alana Gariepy was a resident of Fritch. The City viewed the Gariepy property as a nuisance and the City Council voted to abate the Gariepy property.

After abatement procedures had begun, Coker concluded that the proper procedures to abate the Gariepy property had not been followed meaning that Coker and his crew were not legally permitted to be on the Gariepy property. Coker then advised the Fritch City Manager that he was vacating the Gariepy property.

On April 4, 2012, Coker contacted the Texas Rangers, the Hutchinson County District Attorney's Office, the Texas Attorney General's Office, and the Texas Department of Public Safety for the purpose of filing a "good faith" report of what Coker believed to be a violation of the law by the City. Coker contended that the City violated the law by criminally trespassing on Gariepy's property and violating Gariepy's civil rights. The City terminated Coker on April 9, 2012.

The trial court denied the City's plea to the jurisdiction in the whistleblower action filed by Coker and the City appealed.

The appeals court concluded that, based upon his conclusory statements to the trial court, Coker could not have formed a good faith belief that the City was, by his action of being on the Gariepy property, violating the law, specifically, committing a trespass on the Gariepy property. Inasmuch as Coker did not make a good faith report of a violation of the law by his employer, the City of Fritch, the trial court erred when it denied the City's plea to the jurisdiction.