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NO. 2010-35811

**LOUIS T. GUTHRIE,**  
**Plaintiff**

vs.

**HARRIS COUNTY SHERIFF'S CIVIL**  
**SERVICE COMMISSION,**  
**Defendant**

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**IN THE DISTRICT COURT OF**  
**HARRIS COUNTY, TEXAS**  
**295<sup>th</sup> JUDICIAL DISTRICT**

**FILED**  
Chris Daniel  
District Clerk

**MAY - 1 2012**

Time: \_\_\_\_\_  
By: \_\_\_\_\_  
Harris County, Texas  
Deputy

**ORDER**

This is an appeal of the Harris County Sheriff's Civil Service Commission's decision to terminate Louis T. Guthrie (Guthrie) from the Harris County Sheriff's Department. On April 16, 2012, the parties and their counsel appeared before the Court. After reviewing the record, the evidence presented, the argument of counsel, and the proper authorities, the Court finds the Commission's decision should be set aside and the cause remanded back to the Commission for further proceedings.

One of Guthrie's grounds of error is that the disciplinary action taken against him was not in compliance with section 614.023 of the Texas Government Code and that this non compliance requires that he be reinstated. Guthrie is correct in arguing that Chapter 614 of the Texas Government Code controls in cases such as this; however, the Court does not agree that such error requires it to order his reinstatement.

The record indicates that the Commission did not follow the mandatory procedures set forth in Texas Government Code that unambiguously states that "[d]isciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee." TEX. GOV'T CODE § 614.023<sup>1</sup> (a).

Accordingly, the Court **ORDERS** the case **REMANDED** to the Commission for further proceedings.

SIGNED this 1<sup>st</sup> day of May 2012.

Caroline Baker  
**CAROLINE BAKER**  
**JUDGE, 295<sup>TH</sup> DISTRICT COURT**

<sup>1</sup> (a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.  
(b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.  
(c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:  
(1) the complaint is investigated; and  
(2) there is evidence to prove the allegation of misconduct. TEX. GOV'T CODE § 614.023.