

PETRINA IMBRAGUGLIO	*	NO. 2007-CA-1220
VERSUS	*	COURT OF APPEAL
BARRY C. BERNADAS,	*	FOURTH CIRCUIT
INDIVIDUALLY AND IN HIS	*	STATE OF LOUISIANA
CAPACITY AS CANDIDATE	*	
FOR THE OFFICE OF	*	
SHERIFF, ST. BERNARD	*	
PARISH, AND LENA R.	*	
TORRES, IN HER CAPACITY	*	
AS	*	
	*****	
CLERK OF COURT FOR THE		
THIRTY-FOURTH JUDICIAL		
DISTRICT COURT FOR THE		
PARISH OF ST. BERNARD,		
STATE OF LOUISIANA		

**GORBATY, J., CONCURS, WITH REASONS.**

I agree with the majority’s opinion insofar as it affirms the trial court’s judgment; however, I find there are additional reasons for doing so. Therefore, I respectfully concur.

A strict interpretation of La. R.S. 18:451.3 leads to the conclusion that Mr. Bernadas was not involuntarily displaced from St. Bernard Parish once he sold his home. However, as pointed out in the dissent, “doubt must be resolved in favor of allowing the candidate to run.” *Landiak v. Richmond*, 05-0758, p. 1 (La. 3/24/05), 899 So.2d 535, 538.

There is no doubt in my mind, based on the record evidence, that Mr. Bernadas fits squarely under the exception to La. R.S. 18:451.3, that is, “**unless he has either established a new domicile or has changed his registration to an address outside the voting district in which he seeks election.**” Mr. Bernadas and his wife executed four notarial acts, one in February 2006, and three in August 2006, wherein they swore that they were domiciled in St. Tammany Parish. Mr. Bernadas is an educated man, and he is to be held accountable for the legal documents that he signs.

Additionally, Mr. Bernadas registered several vehicles in St. Tammany Parish following the hurricane. He testified that he did so only because he could not receive mail in St. Bernard Parish. I take judicial notice that mail delivery to St. Bernard Parish residents was interrupted for only a brief time after the storm; mail pick-up for St. Bernard residents resumed before the end of 2005 with mail pick up in St. Tammany Parish. Therefore, defendant had no need to register his vehicles in St. Tammany. I find his self-serving testimony to be disingenuous.

The above facts – four notarial acts evidencing domicile in St. Tammany Parish, and the registration of several vehicles in St. Tammany Parish, combined with Mr. Bernadas' eventual move to a home in Orleans Parish evidences that Barry Bernadas established a new domicile either in St. Tammany Parish or Orleans Parish. In any event, it is clear that he no longer maintains a domicile in St. Bernard Parish, and is, therefore, not qualified to run for Sheriff.