

The Ethics Review Board
City of New Orleans

Tuesday, June 5, 2012
2:30 p.m.
City Council Chambers Conference Room
City of New Orleans
1300 Perdido Street
New Orleans, Louisiana 70112

Minutes

Present: Rev. Cornelius Tilton, Chair; Elizabeth Nalty, Vice Chair; Okyeame Haley, Secretary; Dr. Laura Rouzan; Dr. Michael Cowan

Absent: Dr. Don Frampton

Staff: Steven Scheckman, General Counsel
Felicia R. Brown, Executive Director

Guests: Edouard R. Quatrevaux, Inspector General
Susan Hutson, Independent Police Monitor

A quorum being present the chair called the meeting to order at 2:36 p.m. Dr. Cowan moved that the minutes of the April 3, 2012, meeting be approved; Ms. Nalty offered a second. The motion passed unanimously.

The chair recognized Mr. Ed Quatrevaux.

Inspector General Report

The Inspector General noted the release of OIG reports since the April meeting: Report on Property & Casualty Insurance, indicating the master listing had numerous data errors and management of the producer of record needed improvement. He also referenced the Follow-up letter on Municipal Court's Take Home Vehicles.

Mr. Quatrevaux indicated that Trellis Smith has been charged in a bill of information with conspiracy to commit theft of federal funds provided in the NOAH program. He further stated Mr. Trellis is one of five individuals charged (2 indictments and 3 bills of information) and noted the joint investigative efforts with the FBI and HUD-OIG (the New Orleans OIG conducted over 100 interviews from 2009-2010 as part of this effort). The OIG has a number of pending investigations, primarily with the FBI as well as other law enforcement agencies.

He accepted the Annual Excellence in Law Enforcement Award from the Metropolitan Crime Commission on behalf of the OIG; two OIG investigators: Eddie Hernandez and Bill Bonney were recognized for their work related to the Meffert and St. Pierre cases. The Inspector General appeared with the U.S. Attorney on a panel during the Government Reform Association

Conference. Additional presentations were made before the Louisiana Association of College & University Auditors and as part of the Association of Inspectors General Conference, where the presentation highlighted the necessity for outreach and the need to maintain presence. He observed that NOLA OIG represents the best legal structure when compared with other non-federal OIGs.

With respect to the RSD, the cooperative endeavor agreement has been signed and funding will be transferred to the city (\$700,000 per year for a period of three years). Leadership has been identified (retired FBI supervisor) and the deputy director possesses background and experience in facility development with a large health care organization. Two additional staff will be hired and they will be housed in the Federal Reserve Bank. Mr. Quatrevaux further reported that the city attorney opined that the OIPM is not a division within the OIG. The IPM had been refused access to files in connection with the Allen and Sipps cases by NOPD. As a solution, the IG proposed requesting and receiving case files, permitting the IPM to work with scanned versions of documents within the OIG's control. To address this issue there should be an amendment to the OIPM and OIG ordinances or the addition of the OIPM to state laws regulating offices of inspectors general and ethics entities.

As regards the budget, the CAO has agreed with the OIG with respect to application of the .75 of 1%; however, there is still a potential deficit of \$100, 000 should the general fund be cut. It is unknown when this decision will be made. A mid-year status of the budget will be presented to the ERB at its next meeting.

In response to Ms. Nalty's question regarding funding with the RSD, Mr. Quatrevaux indicated FEMA funding will come from the state through the Recovery School District. Rev. Tilton expressed concern with regard to the public's perception that the OIPM may be limited in its ability to carry out its functions as articulated in the ordinance. The IG assured the board of the administration's willingness to resolve the issue and indicated that drafters of the ordinance had not contemplated this as problematic for the IPM.

Rev. Tilton recognized Susan Hutson.

Independent Police Monitor Report

The OIPM is proceeding with its ongoing projects and has been involved in training of NOPD supervisors who interface with at-risk officers in anticipation of the consent decree. Recently presented to the League of Women Voters and will release its second interim report in July.

In response to inquiries posed by the vice chair, secretary, and Dr. Rouzan, Ms. Hutson clarified training is being delivered to veteran supervisors as well as others, and at-risk officers are identified based on complaints and incidents involving use of force. She noted that the OIG will be evaluating the system used by NOPD for identifying at-risk officers in order to ensure the current system's integrity. Ms. Hutson also expressed the desire to establish training with the Public Integrity Bureau as requested by Chief Westbrook. The IG confirmed that the OIG would conduct an evaluation in the coming year.

Mr. Quatrevaux acknowledged the assistance received by the OIG in securing passage of legislative changes for administrative subpoena authority as well as privilege for confidential documents.

Executive Director's Report

The executive director expressed the value of engaging in surveying for municipal government employees as well as local polling of city residents. She advised the board to consider the long-term commitment in this respect and that it should not be undertaken as a one-time endeavor. While the chair and vice chair acknowledged the value of surveying, they also expressed concern given the current budgetary constraints and indicated a desire to reevaluate this option in the future. They, along with Dr. Rouzan, indicated the insights that might come from the ERB's current community engagement. Dr. Cowan articulated a need for additional budget information in order to have clarity about available resources.

Dr. Rouzan offered a motion to defer consideration of surveying and polling by the Ethics Review Board; Dr. Cowan seconded. All were in favor and the motioned passed.

Ethics Listening Initiative: Rev. Tilton and Ms. Nalty expressed citizens' appreciation for the ERB's willingness to meet with residents throughout the community and share information. As a result of the initial exchanges other opportunities have been presented for the ERB to share information; however, not all will permit a full presentation. She indicated that she'd like to follow through on these opportunities because they will enhance awareness of the ERB.

Code of Ethics Pamphlet Price Quotes: The executive director explained the process for the solicitation of quotes and reviewed the quotes that had been received, including design and formatting suggestions. She explained that the document would not eliminate the need for the ERB-OIG brochure. The chair requested the inclusion of reference to the Public Information Law. In response to Dr. Cowan's question about the general counsel's review of the text, Ms. Brown indicated that Mr. Scheckman had reviewed the document and provided comments. The executive director indicated she had no conflicts with any of the vendors, in response to an inquiry posed by Dr. Rouzan, and that her only previous working relationship was with Mele Printing, who designed the ERB-OIG brochure. Dr. Cowan moved for acceptance of the lowest bid by Mele Printing for a print run of 8,000 copies. There was a second offered by Ms. Nalty. All were in favor and the motion carried unanimously.

Mandated ethics training for New Orleans public servants & public employees: The executive director explained that the current ethics code does not provide for mandated ethics training. The information provided reflects language from various jurisdictions in this regard. The chair observed that there have been initial conversations with the CAO and other executive personnel with respect to support for an executive order. He indicated the need to work with others within city government (e.g., Civil Service Department) to establish protocols for training at the point of hire and annual refresher training. Mr. Scheckman commented on the challenges that might be presented, namely accurate identification of employees and record keeping. Dr. Cowan expressed reservation about moving forward with an executive order with the mayor until the ERB has developed more concrete plans with respect to ethics education. There was brief discussion about the topics that might be included from the local and state codes as well as the

incorporation of subject matter related to ethical culture and decision-making. Ms. Nalty moved that the ERB executive director and general counsel explore with the CAO the process for a mayoral executive order for training upon initial hire and annual training. Second offered by Dr. Rouzan. The motion passed unanimously.

Draft work plan and draft budget: The work plan was developed as a result of the strategic planning process and provides an overview of activities related to ethics education. The executive director highlighted particular resources included in the work plan that are not currently budgeted by the ERB, specifically consultancy for ethics education development as well as training personnel.

Status of Modiphy Design Studio confidentiality agreement: Per the general counsel, there is agreement in principle; however, uncertain if the agreement has been signed. Once received, Mr. Scheckman will report to the board.

The chair reminded board members that election of officers will occur during the August 7, 2012, meeting.

Threshold spending level requiring full board and/or chair approval: Following a discussion about the city's current purchasing and procurement policy, with clarity regarding the \$1,000.00 limitation for one-time purchases by the chair and executive director, Ms. Nalty offered a motion setting \$1,000.00 as the threshold spending by the executive director. A second was offered by Dr. Cowan. The motion passed unanimously.

Rev. Tilton requested that members review the documents for Personnel Evaluations and the ERB-OIG Memorandum of Understanding and that these items be deferred for consideration in the future. A discussion ensued about budget references in the ERB-OIG MOU. Mr. Scheckman noted the items included in the 2010 ERB budget: personnel, equipment purchases, lease. The chair commented those were not fixed and stated a budget meeting would be held with the IG and IPM on Thursday, June 7. Mr. Haley observed the need for clarity with respect to the MOU's language and the general counsel recommended the segregation of resources for the entities.

At 4:03 p.m., Dr. Cowan motioned that the board recess into executive session; there was a second offered by Ms. Nalty. The motion passed unanimously.

The board resumed open session on a motion by Ms. Nalty with a second by Dr. Cowan at 4:15 p.m. The motion passed unanimously.

A motion for adjournment was offered by Dr. Rouzan and seconded by Dr. Cowan. The motion passed unanimously; the meeting adjourned at 4:16 p.m.