



*ETHICS REVIEW BOARD
CITY OF NEW ORLEANS
ANNUAL REPORT*

2013

ETHICS REVIEW BOARD CITY OF NEW ORLEANS

Current Board Members

Dr. Michael Cowan, Chair

James A. Brown, Vice Chair

Allen C. Miller, Secretary

Elizabeth S. Nalty

Dr. Joe M. Ricks, Jr.

Howard Rodgers, III

Former Board Members Serving in 2013

Dr. Laura Rouzan

Rev. Dr. Donald R. Frampton

Staff

Felicia R. Brown ~ Executive Director

Steven Scheckman ~ General Counsel

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Table of Contents

Message from the Chair.....4

Members of the Ethics Review Board.....5

Mission Statement.....7

History.....8

Functions & Authority8

Filing Complaints.....9

Summary of Work Performed10

Future Work10

Dear citizens,

Good public institutions have clear rules, members who internalize those rules as norms, and effective enforcement. Since 2006, the Office of Inspector General has given the City of New Orleans an effective enforcement arm. Public officials, city workers and contactors, and members of boards and commissions are aware for the first time that engaging in waste, fraud or abuse of power can result in loss of their jobs and, when felony activity is involved, their freedom.

But enforcement is only one dimension of building a culture of ethics. Those exercising positions of public trust must also become educated not only about the ethical rules applying to them, but also the particular ethical challenges facing them in their specific roles. Ethics awareness and education along with effective enforcement can build the ethical culture we seek in our local public institutions. For the past two years the Ethics Review Board has exercised leadership in developing the city's first comprehensive approach to ethics education for public servants. Toward that end, we engaged the services of the Honorable Judith Nadler, former mayor of Santa Clara and director of the Government Ethics program at the University of Santa Clara. With input from many local sources as well as her own research, Ms. Nadler developed and piloted an initial ethics education program in 2013.

In addition to exercising its mandated oversight responsibilities, the Ethics Review Board will build on that foundational work in ethics education in 2014.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael A. Cowan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael A. Cowan, Ph.D.
Chair

Members of the Ethics Review Board

The Ethics Review Board consists of seven volunteer members who serve staggered terms of seven years each. Six members are appointed by the mayor from lists of nominees submitted by the presidents or chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and Xavier University. The seventh member is appointed by the mayor. Each appointment is subject to approval by a majority of the members of the City Council.

Current members of the Ethics Review Board include:

Dr. Michael A. Cowan, chair, is a psychologist and theologian. On the faculty of Loyola University since 1990, he also serves as special assistant to the university president. He was co-founder of the Jeremiah Group, an interracial and interfaith community organization, and Shades of Praise, the New Orleans interracial gospel choir. After Hurricane Katrina, he served as chief of staff of the Government Efficiency and Effectiveness Committee of the bring New Orleans Back Commission, and subsequently founded Common Good, a network of civil society organizations to build multiracial consensus on the rebuilding of New Orleans. He served on the Human Relations Commission of the City of New Orleans from 2001-2008, and chaired the commission from 2002-2008. He is a nominee of Loyola University; his term will expire June 30, 2015.

James A. Brown, vice chair, is a shareholder with the New Orleans law firm of Liskow & Lewis, P.L.C., and heads the firm's Commercial Litigation Section as well as its Professional Liability Practice Group. He also serves as the firm's Loss Prevention Partner and formerly served on the Board of Directors. His practice focuses on complex commercial and professional liability litigation, including commercial disputes, class action litigation, director and officer liability litigation, legal and accountant malpractice defense, trustee liability, and similar matters. Mr. Brown is a Fellow of the American College of Trial Lawyers. He is ranked among America's leading commercial litigators by Chambers and Partners USA Client Guide. He is listed in The Best Lawyers in America in the fields of Bet-the-Company Litigation, Commercial Litigation, Legal Malpractice Defense, and Professional Malpractice Law. He also is included in New Orleans Magazine's listing of Top Lawyers. He has been designated one of New Orleans' "Leaders in Law - 2005" by New Orleans City Business Magazine. He is listed in Louisiana "Super Lawyers" and in Benchmark Litigation. He is the current Chair of the American Bar Association Presidential Standing Committee on Lawyers' Professional Liability, and the former co-chair of the American Bar Association Professional Liability Litigation Committee. Mr. Brown is an adjunct professor of trial advocacy and torts at the Louisiana State University Law Center and is a member of the New Orleans, Louisiana, and American Bar Associations. He speaks and publishes regularly on issues of professional liability, ethics and fiduciary responsibility. He also is active in various professional, community and philanthropic affairs. He serves as a member of the Advisory Council for the LSU Honors College. Brown received his B.A. degree, summa cum laude and valedictorian, from Louisiana State University in 1981. He received his J.D. from the LSU Law Center in 1984. He is a member of various honorary societies, including Order of the Coif and Who's Who in American

Law. He served as Editor-in-Chief of Volume 44 of the Louisiana Law Review and as law clerk to the Honorable Alvin B. Rubin, Circuit Judge, United States Fifth Circuit Court of Appeals, 1984-1985. He and his wife of 32 years, Kelly, have three sons and one daughter-in-law. Nominated by the University of New Orleans, Mr. Brown's term will expire June 30, 2019.

Allen C. Miller, secretary, practices in the area of commercial litigation. He concentrates his practice in the areas of general business torts; products liability; casualty litigation, banking and lender liability; class-action litigation; bankruptcy litigation; construction litigation and contracts; civil RICO; trade secrets litigation; professional malpractice; and a wide variety of other corporate litigation matters. He has extensive experience in complex commercial matters. Mr. Miller has handled a substantial number of cases from inception through resolution at trial, appeal and alternative dispute resolution where appropriate. His experience includes, without limitation, first chair litigation counsel in numerous bench and jury trials in state and federal court. He is solely responsible for the litigation strategy and handling of cases for several institutional firm clients, and regularly supervises commercial litigation associates and paralegals. His memberships and affiliations include: Louisiana State Bar Association, Minority Involvement Section, New Orleans Bar Association, American Bar Association, National Bar Association, Federal Bar Association (Board of Directors, Eastern District of Louisiana), International Association of Defense Counsel, Louisiana Association of Defense Counsel, Louisiana Association of Defense Counsel Trial Advocacy (Faculty Member, 2006 - Present), and National Institute of Trial Advocacy (Faculty Member, 2004 - Present). He is a "40 Under 40" Award Recipient (National Bar Association) as well as "40 Under 40" Award Recipient by Gambit Weekly. Additional board service includes Odyssey House of Louisiana, Inc., as Vice-President and Executive Committee Board Member, and member of the board of directors for WRBH Radio for the Blind and Print Handicapped. Mr. Miller is a graduate of Southern University Law Center and Xavier University. Mr. Miller's term will expire June 30, 2018. He is a nominee of Xavier University.

Ms. Elizabeth Nalty is an extremely active member of the New Orleans community and previously served as vice-chair of the Ethics Review Board. Nalty is a member of many local boards such as the Ogden Museum of Southern Art, Louisiana Endowment for the Humanities, and the Greater New Orleans Foundation. She is a life member of the Louise S. McGehee School Board. Additional service includes membership on the Pennington Biomedical Research Foundation Board and the Louisiana State University's Health Science Department of Psychiatry Advisory Board. She is also a member of the board of administrators of Tulane University, serving on its Executive Committee, as well as the Tulane University Hospital and Clinic Board. Ms. Nalty also serves her community as president of the Edward G. Schlieder Educational Foundation, Vice Regent Emerita for the State of Louisiana, Mount Vernon Ladies' Association, and on the Executive Committee of Citizens for 1 Greater New Orleans. She is a nominee of Tulane University, and her term will expire June 30, 2016.

Dr. Joe M. Ricks, Jr., is chair of the Division of Business and the J.P. Morgan Chase Professor of Sales & Marketing at Xavier University of Louisiana. Dr. Ricks earned a Ph.D. in marketing with a minor in cognitive psychology from Louisiana State University, a Master's of Business Administration from the University of New Orleans and a Bachelor's degree in Marketing from Southeastern Louisiana University. Professionally, Dr. Ricks has published in *Business and Society Review*, the *Journal of Selling and Major Account Management*, the *European Journal of Marketing*, the journal *Performance Improvement*, the journal *Industrial Market Management*, the *Journal of Consumer Marketing*, the *Journal of Business Ethics*, the *Journal of Business Research*, and the *Journal of Vocational Behavior*. He has also been an editorial contributor to *Data News Weekly*, providing commentary on current issues relevant to the African American community. Dr. Ricks has been a visiting professor at Young & Rubicam Advertising Agency in New York in addition to the Corporate Customer Contact Center, Occupational Health and Environmental Safety Division, and the Sales Center of Excellence at 3M Company in St. Paul Minnesota. He has also served as a marketing intern coordinator for McIlhenny Company (Tabasco). Currently, he serves on the board of the Louisiana Quality Foundation that awards the Louisiana Performance Excellence Award based on the Malcolm Baldrige quality criteria. Prior to his academic career, Dr. Ricks' experiences included retail management, state government, the United States Army, and the Louisiana National Guard. Dr. Ricks is married to Mrs. Dianne Way-Ricks and has one daughter Jaelyn Ricks. Dr. Ricks is Mayor Mitch Landrieu's appointee, and his term will expire June 30, 2020.

Howard L. Rodgers, III, is executive director of the New Orleans Council on Aging/Area Agency on Aging. He holds a Masters Degree in Social Work from Southern University at New Orleans and a certificate as a Certified Aging Planner from Louisiana State University. Mr. Rodgers is a past board member of the National Council on Aging and the Southwest Society on Aging. Howard currently serves on the National Association of Social Workers Geriatric Committee, National Association of Social Workers Legal Defense Fund as a trustee, Family Service of Greater New Orleans as a board member, and Advisory Board of the Sisters of the Holy Family Lafon Nursing Home. He is a 2010 National Council on Aging Geneva Mathiasen Award Recipient and was recognized as a 2011 Role Model by the Young Leadership Council of Greater New Orleans. Rodgers is a former board member of PACE New Orleans and former president of the Louisiana Aging Network Association. Mr. Rodgers is a nominee of Southern University at New Orleans; his term will expire June 30, 2017.

Mission Statement

The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.

History of the Ethics Review Board

In 1996, citizens of New Orleans voted to amend the Home Rule Charter to mandate the City Council to establish, by ordinance, an Ethics Review Board. Under that ordinance, the ERB is empowered to issue advisory opinions, promulgate rules regarding interpretation and enforcement of the Code of Ethics, retain counsel and impose fines. The initial selection of board members occurred in December 2006. Pursuant to Article XIII, Sec. 2-1120 (3) of the Code of Ordinances for the City of New Orleans, the ERB is also designated as the appointing authority for the inspector general.

In the board's initial years, much of its attention was devoted to the formation of the Office of Inspector General. To that end, the ERB's efforts have proved invaluable in supporting and shoring up the public's confidence in the OIG.

Most recently, the Ethics Review Board has dedicated its energies to formulating its own priorities in order to ensure an effective government ethics program throughout the City of New Orleans, including ethics education, advice and enforcement.

"However long we are keepers of the public trust we should never forget that we are here as public servants and public service is a privilege. It's not about advantaging yourself. It's not about advancing your friends or your corporate clients. It's not about advancing an ideological agenda or the special interests of any organization." - *President Barack Obama*

Functions and Authority

The Ethics Review Board is authorized by the Code of Ordinances for the City of New Orleans to administer and enforce the provisions of the Code of Ethics of the city. The Code of Ethics was established to remind each public official and employee that, individually and collectively, public officials and employees must adhere to high ethical standards not simply to avoid sanctions or criticism. It applies to all officials of city government, whether elected or appointed; all employees, whether classified or unclassified; and all members and employees of all boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city.

The ERB is empowered to represent the public interest in the administration of any law within its jurisdiction; offer and enter into consent opinions regarding violations of the provisions of any law within its jurisdictions; refer to fact-finding complaints, advisory opinions, media reports, oral reports, referrals, or any other source; prescribe rules of order, evidence, and procedure to govern its meetings, hearings, and investigations; take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with the resolution of matters coming before it for consideration; and include on the agenda for Board consideration any matter that is of interest to any Board member and that is within the Board's jurisdiction.

Filing Complaints

Any person may file a complaint concerning violations of the City’s Code of Ethics with the Ethics Review Board. Any public employee who reports information which the employee reasonably believes is a violation of any ordinance, statute, policy, order, rule, regulation or other ethical mandate is protected by the New Orleans Municipal Code Division 3. Code of Ethics, Subdivision 3. Generally, Section 2-772 (a) Freedom from reprisal and disclosure of improper acts, which states such employees “shall be free from discipline or reprisal for reporting such acts of alleged impropriety. An employee with authority to hire and fire, supervisor, agency head, or elected official may not subject to reprisal any public employee because of such employee’s efforts to disclose such acts of alleged impropriety.”

The Board may consider any matter that it has reason to believe may be a violation of any law within its jurisdiction, including but not limited to, a notice or report sent to the Board by the Inspector General. The Board may close the file, refer the matter to investigation, or take such other action as it deems appropriate.

During 2013, the Ethics Review Board received four complaints alleging ethical misconduct. Of the complaints received by the ERB, one complaint was referred to the Office of Independent Police Monitor and another to the New Orleans Office of Inspector General. The board also referred one complaint to the Louisiana State Ethics Board. At the conclusion of 2013, one complaint was pending. Two requests for advisory opinions were submitted to the board during 2013.

The following charts reflect a compilation of the number of complaints and advice requests received by the Ethics Review Board from 2009 through 2013.

Ethics Review Board Complaints Received 2009 – 2013					
	2009	2010	2011	2012	2013
Received	3	2	13	25	4
Closed ¹	2	2	7	18	
Referral			1- New Orleans OIG 3- Office of Independent Police Monitor 2- Louisiana State Ethics Board	3- New Orleans OIG 3- Office of Independent Police Monitor 1- Louisiana Disciplinary Board	1- New Orleans OIG 1- Office of Independent Police Monitor 1- Louisiana State Ethics Board
Investigation	1				

¹ Closed: Ethics Review Board did not have jurisdiction, or the ERB determined that even if true, it did not violate the City Code of Ethics.

Ethics Review Board Requests for Advice 2009 – 2013					
	2009	2010	2011	2012	2013
Received	0	1	0	1 ²	2
Closed					2
Referral		1- Louisiana State Ethics Board			

Summary of Work Performed

With the support of mayor Mitch Landrieu, and the participation of the New Orleans Redevelopment Authority and Department of Safety and Permits, along with the following boards and commissions: Sewerage and Water Board, New Orleans Aviation Board, Audubon Commission, Public Belt Railroad, and French Market Corporation, the ERB initiated efforts which will lead to its development of ethics education and training for public officials and public employees serving in municipal government.

The Ethics Review Board engaged former Santa Clara, California, mayor Judith Nadler, who is senior fellow in government ethics with the Markkula Center for Applied Ethics, at Santa Clara University, as its ethics education consultant. Throughout 2013, Ms. Nadler met with various public servants in New Orleans and conducted ethics education training in order to inform the board's development and implementation of government ethics education.

ERB staff participated in employee orientation, coordinated by the Department of Civil Service, and met with New Orleans city council staff to share information on municipal government ethics.

The board also gained four new members during the summer of 2013. They include: James A. Brown, vice chair, Allen C. Miller, secretary, Dr. Joe M. Ricks, Jr., and Howard L. Rodgers, III.

Future Work

During early 2014, the ERB will maintain its consultancy with Judith Nadler, leading to the formulation of a detailed ethics education plan for municipal government. The Ethics Review Board will continue its preliminary efforts with respect to government ethics education which will assist in the development and sustainability of a culture of ethics throughout New Orleans city government.

² The Ethics Review Board took no action.