



**ETHICS REVIEW BOARD
CITY OF NEW ORLEANS**

2014 ANNUAL REPORT

ETHICS REVIEW BOARD CITY OF NEW ORLEANS

Current Board Members

Dr. Michael Cowan, Chair

Allen C. Miller, Vice Chair

Dr. Joe M. Ricks, Jr., Secretary

James A. Brown

Howard Rodgers, III

Rev. Dr. Donald R. Frampton

Rev. Brandon Boutin

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Staff Members Serving in 2014

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March 4, 2015

Dear citizens of New Orleans,

The Ethics Review Board of the City of New Orleans (ERB) has responsibility for overseeing the Office of Inspector General (OIG) and for promoting ethics awareness through education of elected and appointed officials, city workers, members and staffs of boards and commissions, and those who do business with city. I would like to comment extensively here on recent work by the office of Inspector General and its economic and historic significance.

The OIG's work in 2014 included **audits and reviews** of NOPD's evidence and property management, reporting of robbery and rapes, payroll and management of grant funds; internal controls by the city's Bureau of Revenue; and credit card use and expense reimbursement by the New Orleans Firefighters' Pension and Relief Fund; French Market Corporation's use of funds; and month-to-month contracting by the New Orleans Aviation Board.

The office published a number of **inspections and evaluations**, including the city's electronic monitoring program under the supervision of the Orleans Parish Sheriff, NOPD staffing and deployment, and city employee life insurance.

The OIG published the results of three **investigations** including documentation of sex crime investigations by NOPD detectives, administrative investigation of head of taxi cab bureau, and inquiry into improper classification of crime by NOPD 8th District.

The OIG also issued public letters on documentation of sex crimes investigations, the purchase of body cameras for NOPD, and Orleans parish sheriff's procurement of professional medical and mental health services, and audit letters on city payroll internal controls, the OIG audit of NOPD reporting of rape, and an audit of NOPD grants.

It is important for the public to have a "dashboard" for evaluating the work of the OIG. One measure is how much money it saves the taxpayers of New Orleans. The 2014 OIG Annual Report shows that between 2009 and 2013 the OIG produced \$54 million in savings for the city at a cost of about \$15 million. The report notes that in 2013 alone "twelve audit and evaluation reports identified \$9.9 million in costs that could have been avoided, and criminal investigations identified fraud schemes that had a potential loss of \$14.4 million. The \$24.3 million represents a Return on Investment of 8.1 for the OIG net budget of \$3 million."

These savings numbers, while impressive, are almost certainly conservative. It is not possible to measure what did not happen, and one of the great impacts of an effective, independent office of inspector general is its power to deter financial misbehavior by creating fear of getting caught. As founding Inspector General Robert Cerasoli repeatedly reminded New Orleanians, “corruption is not race-based or place-based, it is opportunity-based.” For most of the long history of New Orleans, whoever had control of the public purse, whites and blacks alike, took the opportunity to administer it for the benefit of their cronies, family and friends through waste, fraud and abuse of power. The legendary “public trough” was not managed for the common good.

There is more at stake here than saving public money. The evidence is clear: If no one is watching on behalf of the public, tax dollars will be wasted, stolen and misappropriated. Without enforcement, laws and ethical rules have little effect. Now someone is watching. Now someone is enforcing ethics laws and rules in the City of New Orleans. That “someone” is the Office of Inspector General. This is a radical change in the heart of the political culture of the City of New Orleans. Its consequences are now ramifying throughout the body politic of the city, flushing out the waste, fraud and abuse of power that had been the “New Orleans Way” for nearly three centuries.

While the relationship between an inspector general and public officials can be adversarial, it need not be so. As one who has been engaged in the post-Katrina ethics reforms from their inception, I am greatly encouraged not just by the quality of work of the Office of Inspector General, but also the strong insistence by the Landrieu administration from its earliest days that all city employees cooperate fully with OIG investigations. In the arena of government ethics, the best of possible worlds is a strong, independent office of inspector general and a senior elected official who sees that office as an ally in the quest for effective, efficient, fair and law-abiding government. At this moment in New Orleans history, those powerful stars are aligned for the first time.

Around the world, good government has been shown to increase economic opportunity and reduce racial and ethnic tensions. It will do that here as well, if we follow the ethical course unrelentingly through the work of the Office of Inspector General, Ethics Review Board, and Quality Assurance Oversight Committee and continue to have the cooperation of public officials committed to good government. When New Orleans celebrates her 300th birthday in three years, this transformation will be more than ten years old. Still young, but not a baby.

The reports and letters that I referred to above, as well all past documents published by the Office of Inspector General, are available for inspection by the public at www.nolaoig.org.

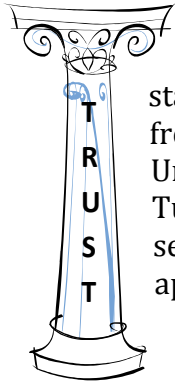
Should you have comments, questions or suggestions for the Ethics Review Board, I encourage you to visit our website www.nolaethics.org click on "Contact" and complete the comment form. If you would prefer to call, our number is (504) 681-3208.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael A. Cowan". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Michael A. Cowan, Ph.D.
Chair
Ethics Review Board, City of New Orleans
March 4, 2015

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

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 visiting fellow of Harris Manchester College in Oxford University and the Irish School of Ecumenics in Trinity College, Dublin. He is a nominee of Loyola University; his term will expire June 30, 2015.

Allen C. Miller, vice chair, 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. 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 is a nominee of Xavier University; his term will expire June 30, 2018

Dr. Joe M. Ricks, Jr., secretary, 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 Jaelynn Ricks. Dr. Ricks is Mayor Landrieu's appointee; his term will expire June 30, 2020.

James A. Brown 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. 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 is listed in Louisiana "Super Lawyers" and in *Benchmark Litigation*. He is the Chair of the American Bar Association Presidential Standing Committee on Lawyers' Professional Liability. 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 serves as a member of the Advisory Council for the LSU Honors College. Mr. 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 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 33 years, Kelly, have three sons, two daughters-in-law, and one grandson. Mr. Brown is a nominee of the University of New Orleans; his term will expire June 30, 2019.

Howard L. Rodgers, III, is executive director of the New Orleans Council on Aging/Area Agency on Aging. He holds a master's 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.

Reverend Dr. Donald R. Frampton currently serves as senior pastor of St. Charles Avenue Presbyterian Church (SCAPC), the largest Presbyterian Church (USA) in Louisiana. The church is widely known for its worship, mission, and educational programs. In partnership with hundreds of Presbyterian and other churches across the country, SCAPC has played a leading role in post-Katrina work, housing over 4,000 volunteers, gutting 210 houses, building 29 Habitat for Humanity homes, and donating nearly \$1,000,000 to recovery efforts. Previously, Dr. Frampton was pastor of First Presbyterian Church, Rockingham, North Carolina, and Associate Pastor of First (Scots) Presbyterian Church in Charleston, South Carolina. He received his B. A. in History from the University of South Carolina and his D. Min. from Columbia Theological Seminary in Decatur, Georgia. Within the Presbytery of South Louisiana, Rev. Frampton is past Moderator of the Council and Moderator of the Presbytery. He has also served as Moderator of the Committee on Ministry. Additional civic and community service includes his participation in various capacities within the business, political, and religious sectors. Dr. Frampton and his wife, Colleen Harvin Frampton, have three children: Harrison, Catherine, and McCord. Rev. Frampton served as a member of the Ethics Review Board from 2011 - 2013 and returns as a nominee of Tulane University. His term will expire June 30, 2016.

Reverend Brandon Boutin is the First Assistant Pastor and Pastor of Ministries at Greater St. Stephen Full Gospel Baptist Church in New Orleans. He is a native of New Orleans and a graduate of St. Augustine High School, studied Xavier University, and is a graduate of New Orleans Baptist Theological Seminary. In 1999, he was licensed as a minister and in 2006 ordained as an elder. Deeply concerned about people, Pastor Boutin may be found on a daily basis in community meetings, at speaking engagements in the city and on college campuses, and participating in youth activities, as well as carrying out his extensive pastoral responsibilities. He is a fitness enthusiast, participates in a New Orleans sitcom entitled *Driven*, and runs in local races for various community causes. Wherever God takes Pastor Boutin into the future, he is determined to serve with passion, humility, and power. Rev. Boutin is a nominee of Dillard University.

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.

In the past two years, 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.

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

“Questions of honor are raised as much by appearances as by reality and because they incite public distrust they need to be addressed no less directly than we would address evidence of expressly illegal corruption.”
- John McCain, Senator

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.

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 for investigation, or take such other action as it deems appropriate.

During 2014, the Ethics Review Board received eight complaints alleging ethical misconduct. Of the complaints received by the ERB, all were referred to other entities. The details of the board’s referrals are indicated in the chart below. The board also reviewed one outstanding complaint from 2013 which it referred to the New Orleans Office of Inspector General.

Ethics Review Board Complaints Received 2011 – 2014				
	2011	2012	2013	2014
Received	13	25	4	8
Closed ¹	7	18		
Referral ²	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	2- New Orleans Office of Inspector General 1- Office of Independent Police Monitor 1- Louisiana State Ethics Board	2- New Orleans Office of Inspector General 3- Louisiana Office of Inspector General 2- Louisiana State Ethics Board 1- Judiciary Committee of Louisiana 1- Juvenile Justice Project of Louisiana

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.

² Complaints outside of the ERB’s jurisdiction are referred to the appropriate entity for review. Complaints may be referred to multiple agencies.

The ERB received no formal requests for advisory opinions during 2014.

Ethics Review Board Requests for Advice 2011 – 2013				
	2011	2012	2013	2014
Received	0	1 ³	2	0
Closed			2	
Referral				

Summary of Work Performed

During early 2014, the ERB concluded its government ethics consultancy with Judith Nadler. ERB staff participated in employee orientation, coordinated by the Department of Civil Service, as well as training opportunities with the City Planning Commission and Law Department. To raise awareness about the New Orleans Code of Ethics and the Ethics Review Board, a brochure of frequently asked questions was developed for electronic viewing at the ERB’s website and available to city employees at The Neutral Ground.

In conjunction with the U.S. Department of State’s International Visitor Leadership Program, Ethics Review Board staff met with a delegation of visiting officials to discuss the role of the Ethics Review Board and good governance and transparency in government.

Future Work

The Ethics Review Board views education and training as integral to an effective government ethics program and as a means of achieving an ethical climate. To that end, the board will implement ethics training throughout municipal government. Ethics training will introduce basic concepts of government ethics as well as *blind spots* typically encountered by public officials and public employees. Successful ethics education should enable public servants to recognize the circumstances and situations in which they encounter ethical challenges and how best to respond to them or seek advice.

The Ethics Review Board will also continue to identify and explore avenues for the promotion of a healthy ethical culture throughout city government. The ERB will work to advance awareness of the board’s functions as well as the local ethics code.

³ The Ethics Review Board took no action.