

**Ethics Review Board**

**City of New Orleans**

**December 20, 2017**

**3:30 P.M.**

**Xavier University Center | 4980 Dixon Street | New Orleans, Louisiana 70125**

**Minutes**

Present: Mr. Allen Miller, Chair; Mr. James Brown, Vice Chair; Dr. Joe Ricks; Dr. Michael Cowan Rev. Brandon Boutin; Mr. Howard Rodgers; Elizabeth Livingston de Calderon

At 3:40 p.m., a quorum being present, the Chair called the meeting to order.

Mr. Miller addressed the letter provided to media outlets by retired Inspector General (IG) Ed Quatrevaux, stating that the letter was incorrect and no conflict of interests existed.

Mr. Dane Ciolino advised the board that he contacted Mr. Quatrevaux regarding provisions sited in his letter, that he believed were an issue. Mr. Ciolino told the board as of this meeting he had not received a response. He also told the board that in his opinion no conflict of interests existed.

On a motion to amend the minutes by Mr. Brown and seconded by Mr. Rodgers, the board unanimously approved the minutes of the December 13, 2017 meeting with corrections.

Mr. Brown told the members of the board that the ERB IG Search Panel had no decision making authority and no authority to act in any way to select the IG. All decisions that have been made as to which applicants were interviewed or not interviewed were made by the ERB with a public motion.

Mr. Brown pointed out to the board that both the candidates selected for the appointment of IG have asked that the ERB's discussion of character and professional competence be discussed in public and not in executive session, pursuant to Louisiana Revised Statutes.

Public Presentation and Questions-and-Answers with Candidate Derry Harper.

Public Presentation and Questions-and-Answers with Interim Inspector General Howard Schwartz.

Public Comment on Inspector General Applicants.

Mr. Brown told the board that he listened to Mr. Schwartz's comments on how he handled the controversy and believes Mr. Schwartz's statement that he was doing what he felt was best for the office. Mr. Brown stated that he believed Mr. Schwartz's statement that he did not disclose the report to the media.

He also told the board that Mr. Schwartz has an overwhelming support from the local community and received support letters from Mr. Jim Letten, Former U.S Attorney; Genny May, U.S. Marshall; Robert Anderson, Chief Internal Compliance Officer for Department of Public Safety of HANO; Richard Cortizas, Former City Attorney of the City of New Orleans; Denis James, NOPD; Tod Cox, Former Assistant Special Agent in Charge of N.O. FBI; Michael Magner, Former Assistant U.S. Attorney and Susan Hutson, N.O. Independent Police Monitor.

Mr. Miller told the board that he has the utmost respect for Howard Schwartz having gone through what the office has gone through for the last couple of years. In his personal opinion, he has been concerned with how the OIG has operated in the last couple of months, in addition to previous years.

Mr. Miller told the board that the ERB has an obligation to ensure that the public believes that the office is doing what it is supposed to do; he does not believe the public believes that about the office. He said that there is a negative perception of the OIG to date.

Mr. Miller told the board that he believes Mr. Schwartz has been put in a position not caused by himself. He also told the board that he believes Mr. Harper demonstrates a CEO mentality, someone that is more transformative and that at this time during the position the office is in, he would be a better leader for the OIG.

Mr. Miller told the board that he would be voting in favor of Mr. Harper.

Dr. Ricks told the board that he agrees with Miller on the characteristics of Mr. Harper but believes that the institutional knowledge and the knowledge of what has transpired in the OIG is critical.

Dr. Ricks told the board that he would be voting in favor of Mr. Schwartz.

Ms. Livingston de Calderon told the board that her concern is that the OIG and the City of New Orleans needs a fresh start.

Ms. Livingston de Calderon told the board that she would be voting in favor of Mr. Harper.

Mr. Rodgers told the board that he believes Mr. Harper would be a fresh start and would be voting in favor of him.

Dr. Cowan told the board that he respectfully disagrees with Mr. Miller. The public does trust the OIG and its work. He told the board that he believes the OIG had a setback but there is very broad support for the work that the OIG has done.

Dr. Cowan told the board that he believes Mr. Schwartz is not responsible for the conflict of the OIG. He stated that knowing the office and the depth of knowledge that Mr. Schwartz has with the local community, and particularly of corruption and waste. Mr. Schwartz is a tremendous asset and squandering it would be a big mistake.

Dr. Cowan told the board that he believes Mr. Harper bring more breath and less depth and Mr. Schwartz brings more depth and less breath. He said that in his view we need more depth and focus on waste and corruption.

Dr. Cowan told the board when looking at the qualifications of the two candidates it seems clear to him which candidate brings the expertise, knowledge and relationships with respect to waste and corruption at a deeper level.

Dr. Cowan told the board that he would be voting in favor of Mr. Schwartz.

Rev. Boutin told the board that he has been concerned with the operation of the OIG for the past few years. Rev. Boutin stated that he would be voting in favor of Mr. Harper.

Mr. Miller called for public comment.

Mr. Brown moved for the appointment of Mr. Howard Schwartz. Dr. Cowan seconded the motion and the motion failed 4 nays and 3 yays.

Ms. Livingston de Calderon moved for the appointment of Mr. Derry Harper. Mr. Rodgers seconded the motion and the motion passed 6 yays and 1 nay.

Dr. Cowan told the board that he believes Mr. Harper will do an excellent job.

Mr. Brown told the board that he agrees with Dr. Cowan.

Mr. Miller told the board that he believes Mr. Schwartz has an impeccable reputation and tells the board that he has been a great help to him during the transition of the OIG.

Mr. Derry Harper was appointed as Inspector General.

Mr. Rodgers moved that the budget is adopted as printed. Mr. Brown seconded the motion and the motion passed unanimously.

At 6:30 p.m., Dr. Cowan moved that the meeting adjourn, Mr. Brown seconded. The motion carried unanimously and the meeting adjourned.