



ERB
ETHICS REVIEW BOARD

Ethics Review Board
Report of Activities FY 2009

Dear Citizens of New Orleans,

2009 was another important year for the Ethics Review Board and the Office of Inspector General in the City of New Orleans.

We completed the important work ahead of conducting a national search for a new Inspector General. In September we hired Mr. Edouard Quatrevaux as the Inspector General for the City of New Orleans. He started his work in October 2009.

The Review Board also completed a search for our General Counsel in September 2009. We hired Steven Scheckman as our first General Counsel. Steven has served as point man for Louisiana's judicial discipline system.

I know for me, and for all the members of the Ethics Review Board, it has been an honor to serve the City on this Board. We believe that our work, and the work of the OIG, plays a meaningful role in fostering a positive ethical climate in the City. Such a climate will better serve all citizens in the transparent, efficient delivery of city services.

We have done much but there is still much to do to create a city where transparency, honesty, and the efficient delivery of City services are the expected norms. We are committed to continue this work and we will.

Sincerely yours,

Kevin Wm. Wildes, S.J., Ph.D.
Chair

Table of Contents

Mission Statement.....4

Functions and Authority.....4

Ethics Review Board Meetings.....4

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

History of the Ethics Review Board.....7

Summary of Work Performed.....8

Filing Complaints.....8

Council on Governmental Ethics Laws.....9

Future Work.....9

Mission Statement

The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the City of New Orleans by establishing additional recommendations for the Code of Ethics, issuing advisory opinions, promulgating rules regarding the interpretation and enforcement of the Code of Ethics, referring cases for investigation on referral or complaint, and imposing fines.

Functions and Authority

The Ethics Review Board is authorized by the Code of Ordinances for 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 the government of the city, whether elected or appointed; all employees, whether classified or unclassified; and all members and/or employees of all boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city. Any person may file a complaint concerning violations of the Code of Ethics with the ERB.

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.

Ethics Review Board Meetings

The Ethics Review Board holds monthly open meetings. The meeting location is rotated monthly between Loyola University of New Orleans, Xavier University of New Orleans, and Southern University of New Orleans. Meetings are typically held the first Tuesday of every month at 2:30 P.M. Announcements concerning the ERB meeting location and agenda may be found on the announcement board within City Hall as well as on the Ethics Review Board's website: www.nolaethics.org.

Members of the Ethics Review Board

The board consists of seven volunteer members who serve staggered terms of seven years each. Six members were appointed by the mayor from lists of three nominees each 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 was appointed by the mayor. Each appointment was subject to the approval by a majority of the members of the city council.

Rev. Kevin Wm. Wildes, S.J., Ph.D., Chair

President, Loyola University

Reverend Kevin Wildes, S.J., is the current President of Loyola University New Orleans. Wildes entered the Society of Jesus in 1976 after graduating from Joseph's University in Philadelphia. He holds advanced degrees in theology and philosophy, receiving his PhD from Rice University in 1993.

Prior to joining Loyola University, Wildes was a member of the Department of Philosophy and a Senior Research Scholar in the Kennedy Institute of Ethics at Georgetown University where he also held a secondary appointment in the Department of Medicine at the Georgetown University School of Medicine.

Currently, Wildes serves as associate editor to and on the editorial board of a number of ethics and medicine journals and book series, and he is a founding editor of the *Journal of Christian Bioethics*. Rev. Wildes is the editor or co-editor of four books and authored *Moral Acquaintances: Methodology in Bioethics* published by the University of Notre Dame in 2000. Wildes is a member of the boards of Loyola University Chicago and St. Joseph's University in Philadelphia. He is active in the New Orleans community as a member of the New Orleans Business Council and serving on the national Board of Directors of Friends of New Orleans.

Rev. Cornelius Tilton, D.D., Vice Chair

Pastor, Irish Channel Christian Fellowship

Reverend Cornelius Tilton has 26 years of ministry leadership experience as a preacher, pastor and trainer in the para-church ministries in the greater New Orleans area. He is currently a pastor at the Irish Channel Christian Fellowship and the General President of the Christian Bible College of Louisiana. Rev. Tilton is also currently chairman of the Baptist Association of Greater New Orleans Administrative Committee and a trustee of the Louisiana Baptist Foundation. He has over 25 years of professional experience in business and academic administration, teaching, training, strategic planning, and human resources management in secular and religious institutions. Tilton has served as a business and computer consultant, hospital Community Relations Manager and Real Estate Broker.

For over 23 years, Tilton has been an active member of the local civic community serving on such boards as the Board for Audubon Montessori Charter School, the Committee for a Better New Orleans Housing Task Force and the New Orleans Emergency Food and Shelter Board, just to name a few. He has chaired the boards of the New Orleans Mission, New Orleans Area Habitat for Humanity and the Greater New Orleans Federation of Churches.

Elizabeth S. Nalty, Secretary

Community Activist

Ms. Elizabeth Nalty is an extremely active member of the New Orleans community. She is a member of many local boards such as the Board of Ogden Museum of Southern Art University of New Orleans, Board for the Hermann-Grima/Gallier Historic Houses, and the Board for the National Society of Colonial Dames in the State of Louisiana. Much of Ms. Nalty's time is devoted to the field of education as a member of the Board of Directors for Louise S. McGehee School, Board and Executive Committee of the Pennington Biomedical Research Foundation, the Cowen Institute for Public Education Initiatives Advisory Committee, and a member of Louisiana State University's Health Science Department of Psychiatry Advisory Board. She is a member of the board of Director's of Tulane University, New Orleans and a member of the Tulane University Hospital board and the Tulane Health Science Center board. Ms. Nalty also serves her community as the President of the Edward G. Schlieder Education Foundation Board, Vice Regent Emerita for the State of Louisiana Mount Vernon Ladies' Association, and a member of the Executive Committee for the Citizens for 1 Greater New Orleans.

Winston D. Brown

Dean of Admissions, Xavier University

Mr. Winston D. Brown has served at Xavier University for over 30 years in several capacities. Prior to his current position as dean, he was an instructor of mathematics and director of freshman studies. He holds degrees from Alabama State University and the University of Notre Dame. He is a member of the National Association of College Admission Counseling, the American Association of College Registrars and Admission Officers, the Catholic College Admission Association and the College Board. Brown has presented at several professional conferences and received a certificate from the Harvard Institute on College Admission. As an active member of the civic community, Winston Brown served as a member and chairman of the New Orleans City Planning Commission. He is a member of Kappa Alpha Psi Fraternity, Inc. and is a member and past president of the New Orleans chapter of the 100 Black Men of America.

Leah Chase

Dooky Chase Restaurant

Mrs. Leah Chase, otherwise referred to as the "Queen of the Creole Cuisine," has been in the restaurant industry since the 1940s. Her restaurant, Dooky Chase Restaurant, is a New Orleans landmark and has served many prominent politicians, musicians, and businesspeople including President Obama during his presidential campaign. After marrying musician Edgar "Dooky" Chase II in 1945, she began working at Dooky Chase Restaurant which was owned by her husband's parents. In addition to being a world-famous chef, Mrs. Chase is also a cookbook author. Chase has received many awards both for her culinary genius and her community service including: the New Orleans Times Picayune 1997 Loving Cup Award and the Torch of Liberty Award. An active member of the New Orleans community, she serves on many local organizational boards including the Arts Council of New Orleans, the New Orleans Museum of Art, and the Urban League.

Beverly C. Favre, Ph.D.

Southern University New Orleans

Dr. Beverly Favre is the Dean of the School of Social Work at Southern University of New Orleans (SUNO). Her background in this position draws from her experience as a social work practitioner, consultant, administrator and educator in New Orleans, California, Texas and Kentucky. Additionally, she has acted as a visiting professor at the University of Louisiana at Monroe, the University of New Orleans, Dillard University and University of Innsbruck in Innsbruck, Austria. Dr. Favre has been a gerontology consultant in New Orleans and Washington D.C. where she presented Aging research to the House & Senate committees on Aging and the Black Caucus. She managed the Women's Office for the Office of the Mayor and the Student Service Program at the University of Kentucky's Medical School.

Kathryn Venturatos Lorio

Professor of Law, Loyola University

Mrs. Kathryn Lorio is a Leon Sarpy Professor of Law at Loyola University in New Orleans. A twice recipient of the “Best Professor Award” and a recipient of the 2002 “Distinguished Professor Award” given by Louisiana Bar Foundation, Lorio began teaching at Loyola as an assistant professor in 1976 after working as an attorney for Deutsch, Kerrigan and Stiles. Mrs. Lorio has authored many articles, contributed chapters to numerous books, and co-authored law textbooks including *Louisiana Successions and Donations* and *West Civil Law Treatise on Successions and Donations*. Her teaching and scholarly interests are in the areas of family law, civil law of successions and donations and the legal treatment of alternative reproductive techniques. She is active in law reform on the national level as a member of the American Law Institute as a member of the Consultative Group on Family Dissolution and Donative Transfers. In Louisiana, Lorio is a member of the Council of the Louisiana State Law Institute and a member of the Louisiana State Law Institute Successions and Donations Committee and the Marriage – Persons Committee.

History of the Ethics Review Board

In 1996, citizens of New Orleans voted to amend the Home Rule Charter to mandate the 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. Other relevant Charter provisions can be found in Article IX, Chapter 1 (“Board and Commissions in General”), as well as other provisions of the Home Rule Charter as it may relate to the context of the work of the ERB.

The selection of board members occurred in December 2006 at which time the members met to begin their initial task of educating themselves on their new role. Under Article XIII, Sec. 2-1120 (3) of the Code of Ordinances for the City of New Orleans, the newly formed ERB was required to begin a national search for the city’s first inspector general. The inspector general search began in March 2007 and a final selection was made in June 2007. In the subsequent months, the inspector general and the ERB worked to secure an adequate joint budget appropriation for the Office of Inspector General and the Ethics Review Board in the amount of \$3.4 million.

Additionally, in 2007 the ERB drafted Rules for the Ethics Review Board governing the transactions of its business.

Summary of Work Performed

The Ethics Review Board's objectives for 2009 were to hire a new Inspector General and a General Counsel for the Ethics Review Board in order for both organizations to become fully functional and to further the independence and autonomy of the ERB and OIG.

- On January 30, 2009 Robert Cerasoli tendered his resignation as Inspector General. The Ethics Review Board then began the process of conducting a national search for a new Inspector General.
- Ms. Erica Wright from the Miami-Dade Ethics Commission attended the May 26, 2009 ERB Meeting and shared with the ERB the history behind the Miami-Dade Ethics Commission, her experience as a Member of that Board, her commission's enabling legislation, employee organizational setup and basic descriptions of duties, and the commission's relationship with the Miami-Dade Office of Inspector General.
- On September 3, 2009, the Board hired Edouard Quatrevaux as the next Inspector General for the City of New Orleans. Mr. Quatrevaux formally commenced employment as the Inspector General on October 19, 2009.
- On September 17, 2009, the Board offered the ERB General Counsel position to Steven Scheckman. Mr. Scheckman formally commenced employment at the ERB's first General Counsel on November 1, 2009.
- An ERB member and the General Counsel attended the Council on Governmental Ethics Laws in December.
- In 2009 the Ethics Review Board received and docketed three (3) complaints concerning city officials and employees alleging ethical misconduct. The Ethics Review Board closed two matters as either not being within the jurisdiction of the Ethics Review Board, or without merit or sufficient corroborating evidence. The Ethics Review Board authorized an investigation in one matter which remained pending as of December 31, 2009.

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.

Council on Governmental Ethics Laws

The Council on Governmental Ethics Laws (COGEL) was created in 1978 by a group of executives from newly-formed governmental ethics entities for the purpose of sharing information. COGEL conferences include a series of panel discussions, lectures, and workshops on topics of current concern to ethics administrators.

COGEL's mission is to enhance the professional development of its members in the areas of government ethics, elections, campaign finance, lobbying, and freedom of information and to promote government integrity throughout the world.

In 2009, the Ethics Review Board joined hundreds of other ethics agencies and commissions as a member of the Council on Governmental Ethics Laws. An ERB member and the newly hired General Counsel attended the December COGEL conference to network with other ethics entities and learn recognized best practices in the area of governmental ethics. To further the Ethics Review Board's development, 2009 COGEL conference attendees suggested the board continue involvement with the Council on Governmental Ethics Laws and its members as it is an excellent venue for discussion and exchange of best practices.

Future Work

In 2010 the Ethics Review Board will continue to work in cooperation with the Office of Inspector General. Board members and staff will network with other ethics entities to discover and implement best practices to further benefit the citizens of the City of New Orleans. A high priority for the board is to create and execute an ethics educational training program for the employees of the City of New Orleans. An ethics educational program will assist in preventing ethical violations within the government and will encourage employees to inform the board when violations occur. In addition, it is the goal of the Ethics Review Board to enter into a Memorandum of Understanding with the New Orleans Office of Inspector General which will delineate a variety of cooperative endeavors between the ERB and the OIG. The Ethics Review Board also intends to establish a process and protocol with the Civil District Court for the issuance of subpoenas in compliance with La. R.S. 33:9613 which permits investigations by the ERB and the OIG to remain confidential. In 2010 and in the coming years, the Ethics Review Board also plans to identify, develop and implement a legislative reform agenda and strategy

concerning issues of confidentiality, subpoena authority and judicial review of decisions of the ERB. The Ethics Review Board also plans on drafting revised operating Rules. Finally, the Ethics Review Board plans on fine-tuning and improving its web site.