

The Ethics Review Board  
City of New Orleans

Tuesday, December 16, 2008  
10:30 a.m.

Southern University New Orleans  
Chancellor's Conference Room, Trailer 21B

Present: Rev. Kevin Wildes, S. J., Chair, Rev. Cornelius Tilton, Vice Chair,  
Elizabeth Nalty, Secretary, Dean Winston Brown, Dr. Beverly Favre, and  
Leah Chase

Excused: Professor Kathryn Lorio

Guests: Robert Cerasoli, IG, David Marcello, Leonard Odom, OIG, Neely Moody,  
OIG, Janet Werkman, OIG, and Jill Duchene, Executive Director to ERB

Rev. Wildes called the meeting to order at 10:55 a.m.

Winston Brown moved to adopt the minutes from the October 28, 2008 meeting.  
Elizabeth Nalty seconded – motion passed.

Rev. Kevin Wildes introduced the second agenda item for the meeting, the Ethics Review Board website, and requested that Jill Duchene give an update on the website status. Jill Duchene stated the ERB will contract with Modiphy, the same company with which the OIG has contracted for its own website. The two websites will be separate to maintain the identity of each entity while remaining similar and streamlined to allow traffic to flow seamlessly between the websites. Both websites will have a complaints page where users may enter and anonymously send complaints to either the ERB or OIG.

Rev. Cornelius Tilton submitted a summary report to the board addressing the information obtained from the December 7-10th COGEL conference. The report highlighted key areas on which the ERB may focus, developing an “elevator statement” or a mission statement, hiring staff, creating a Memorandum of Understanding between the Office of Inspector General and the Ethics Review Board, and creating an ethics education program based on working education models shared with the ERB from other ethics commissions. Rev. Tilton mentioned the ERB has avoided many of the challenges that numerous other ethics commissions face because they have limited legislation. He thanked David Marcello and Robert Cerasoli for their efforts in developing the OIG and ERB with solid foundations. Elizabeth Nalty said she should soon receive education models from three ethics commissions and that Jill Duchene will compile the information and formally present a report to the board. Responding to the suggestion for a Memorandum of Understanding, Rev. Wildes stated Dave Marcello had previously discussed the MOU and the board should make its development a priority. Robert Cerasoli suggested the board move forward in writing a job specification and description for legal counsel and advertize the position. He stated the board needs someone with this

type of law experience and who has previously worked with an ethics commission. Elizabeth Nalty acknowledged the need for two attorneys, one to satisfy the prosecutorial function and one for advisory opinions. David Marcello agreed the board cannot mix prosecutorial and advisory functions and stated that the Louisiana Board of Ethics contracted with attorneys to provide separate counsel. Elizabeth Nalty suggested a committee be established to conduct a search for counsel. Leah Chase declared the board needs advice before prosecution. A committee was created including Rev. Wildes, Rev. Tilton, Kathryn Lorio, and Dr. Favre to conduct an employee search.

Rev. Tilton requested the board add financial disclosure as an agenda item. Fr. Wildes stated Dave Marcello had information on the topic. David Marcello said an opinion request concerning the New Orleans Ethics Review Board's requirement to file annual financial disclosure statements was sent to the Louisiana Board of Ethics. The Louisiana Board of Ethics concluded that the ERB is not governed by the financial disclosure requirements due to the fact that the ERB does not have control of its own funds. If the board gains the ability to administer its own budget, the issue would need to be revisited. A formal written notice of the advisory opinion will be mailed to the board.

Rev. Kevin Wildes asked Mr. Cerasoli to give the board a report on the Office of Inspector General. Robert Cerasoli informed the board that the OIG will issue an interim report on Wednesday, December 17<sup>th</sup>. The report is only on the Administration's fleet and a report will be issued later covering the Police Department and Sewage & Water Board. He then informed the ERB that the Office of Inspector General will be reverting \$1.2 million back to the city. The OIG is still trying to hire more auditors and investigators. Mr. Cerasoli announced the resignation of Marvin Doyal, 1<sup>st</sup> Assistant Inspector General for Audit and Review, who had only committed a year to assist in the set up of the office. He said there are a lot of investigations going on within the office and the office is working on some with the U.S. Attorney. The office is also conducting two audits besides the vehicle audit. Rev. Wildes asked if the interim report makes suggestions for better practices. Robert Cerasoli responded that the report gives recommendations and it is up to the Council and CAO, the policy makers, to make new policies or to follow the existing policy.

Rev. Tilton requested the minutes reflect a congratulations to the ERB Executive Director who will be married on December 20<sup>th</sup>, 2008.

Leonard Odom with the Office of Inspector General announced that Office of Municipal Investigations was defunded and the OIG has already initiated discussions with the Chief Administrative Officer on assuming all records and ongoing investigations. Neely Moody with the OIG stated that the City Council still needs to repeal the ordinance setting up OMI. The OIG is still in the process of determining how to use or disassemble the OMI staff. Elizabeth Nalty requested an update on the Police Monitor. Mr. Odom stated that the Office of Inspector General is currently handling the functions that the Police Monitor will assume once established. Robert Cerasoli stated that Paul Wallace, the superintendent of the Recovery School District approached Mr. Cerasoli about the OIG providing an oversight function for the RSD. Leonard Odom is currently working on the specifications

and the scope of services. Mr. Odom stated that the OIG would create the job descriptions and interview prospective employees and the school board would hire the employees. Robert Cerasoli noted that the OIG has very heavy support from the public and organizations and is developing relationships never thought possible. Rev. Tilton asked what the prospects were of the Ethics Review Board taking over advisory schedules from OMI once it is officially disbanded. Leonard Odom replied that all records pertaining to investigations will be assumed and maintained by the OIG and those pertaining to ethics will be given to the ERB.

Rev. Cornelius Tilton moved to adjourn. Rev. Wildes seconded. Meeting was adjourned at 12:37 p.m.