



ETHICS REVIEW BOARD

CITY OF NEW ORLEANS

2015 ANNUAL REPORT

Board Members

Dr. Michael Cowan, Chair

Mr. Allen C. Miller, Vice Chair

Dr. Joe M. Ricks, Jr., Secretary

Mr. James A. Brown

Mr. Howard Rodgers, III

Rev. Dr. Donald R. Frampton

Rev. Brandon Boutin

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Message from the Chair

July 20, 2016

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), enforcing the city's ethics code, and promoting ethics awareness through education and training.

The past year's work included the launching of the Ethics Review Board's ethics training for city employees, elected and appointed officials, and members of boards and commissions. The training is based on the use of ethical dilemmas associated with real-life circumstances posing ethical dilemmas of the kind that city employees and officials, members and staffs of boards and commissions, and others might be expected to encounter in their specific situations, as well as exposure to relevant ethical provisions of the city and state ethics codes. Recipients are selected and training is designed in consultation with the ERB and conducted by the Hackett Group, a local consulting firm. In December of 2015 the first two ethics training sessions occurred for members of the city's Department of Safety and Permits. A total of 31 city inspectors took part in sessions on December 14 or 21. A summary of evaluations by 2015 participants is available for inspection on the ERB website (www.nolaerb.gov). In preparation for becoming state-certified ethics trainers, members of the Hackett Group took part in trainings sponsored by the State of Louisiana. As of this writing training sessions have been completed in 2016 for 25 support service and engineering personnel of the Sewerage and Water Board and 25 engineers and managers in that same agency. Plans are being made for 15-20 members of the mayor's office, the city council and the finance department to take part in the training in the coming year.

2015 brought intense public discussion about whether the Office of Independent Police Monitor (OIPM) should remain within the Office of Inspector General or be separated from it. The result of this debate was a decision by city council to place a charter amendment on the ballot in November 2016. The measure would provide for the separation of the OIPM from the OIG and the assignment of agreed portions of the money set aside annually by charter for operation of the OIG, OIPM and ERB. In the new institutional arrangements, the OIPM would report to the ERB, as the OIG now does, and presumably be subject to the same accountability as the OIG. The council also passed an ordinance requiring that ERB members file annual financial disclosure statements.

Finally, in 2015 the ERB retained attorney Dane S. Ciolino as its general counsel. A respected expert in legal and governmental ethics, he is a professor in the Loyola

University New Orleans College of Law. His expertise will add great value to the work of the ERB. As a matter of efficiency, the ERB decided not to replace its former full time executive director, accepting instead the offer of Inspector General Quatrevaux to assign a member of his staff, Ms. Jessica Lang, to assist the ERB part time. As of the end of 2015, the arrangement was working well. It will be reviewed annually.

I noted in previous reports that, while the relationship between an inspector general and public officials will inevitably include tensions, it need not be adversarial. 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. Those powerful stars continue to be aligned in New Orleans. This matters because around the world, good government has been shown not just to make government less wasteful and corrupt, but also to increase economic opportunity and reduce racial and other inter-group tensions. Whoever cares about those two matters cannot allow waste and corruption to contaminate public institutions.

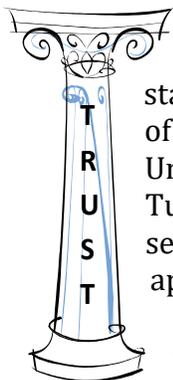
Should you have comments, questions or suggestions for the Ethics Review Board, I encourage you to visit our website www.nolaerb.gov click on "Contact" and complete the comment form. If you would prefer to call, our number is (504) 681-3208.

Respectfully submitted,

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

Michael A. Cowan, Ph.D.
Chair
Ethics Review Board, City of New Orleans
May 26, 2016

Ethics Review Board Membership



The Ethics Review Board consists of seven volunteer members who serve staggered seven-year terms. Six members are appointed by the mayor from lists of three 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, chairing 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, 2022.

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 past three years, in addition to exercising its annual oversight activities, 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 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 2015, the Ethics Review Board received two (2) complaints alleging ethical misconduct. Those two complaints remained under investigation at the end of the calendar year.

	2012	2013	2014	2015
Received	25	4	8	2
Closed ¹	18			0
Referral ²	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	0

The ERB received no formal requests for advisory opinions during 2015.

	2012	2013	2014	2015
Received	1 ³	2	0	0
Closed		2		
Referral				

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.

³ The Ethics Review Board took no action.

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. The ERB's ethics training described above. We anticipate that approximately 100 additional city employees will have participated in ERB ethics training by the end of 2016.

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