



**ETHICS REVIEW BOARD  
CITY OF NEW ORLEANS**

**2016 ANNUAL REPORT**

# **ETHICS REVIEW BOARD CITY OF NEW ORLEANS**

## **Current Board Members**

Mr. Allen C. Miller, Chair

Mr. James A. Brown, Vice Chair

Rev. Brandon Boutin, Secretary

Dr. Joe M. Ricks, Jr.,

Dr. Michael Cowan

Mr. Howard Rodgers, III

## **New Board Member Serving in 2017**

Elizabeth Livingston de Calderon

## **Former Board Members Serving in 2016**

Rev. Dr. Donald Frampton

## **Staff Members**

Mr. Dane S. Ciolino ~ General Counsel

Ms. Jessica Lang ~ Executive Assistant

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## Message from the Chair

Dear Citizens of New Orleans,

The Ethics Review Board (ERB) seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.

New ERB officers were selected in 2016. I now serve as Chair. James A. Brown, J.D. is our Vice-Chair, and Reverend Brandon M. Boutin is our Secretary.

In 2016, we reviewed substantive provisions of the Ethics Code, the enforcement of the Code, and our Rules, Regulations, and Administrative Procedures. We also continued our education efforts through the Hackett Group, which included collaborating to design ethics education training that was provided to: the Mayor's Office, Sewerage & Water Board, Safety & Permits and the Bureau of Finance.

The New Orleans City Council, at our recommendation, adopted an ordinance incorporating (by reference) certain provisions of the Louisiana Code of Governmental Ethics into the City of New Orleans' Code of Ethics. In addition, we engaged in numerous discussions that laid the groundwork for the anticipated separation of the Office of Inspector General (OIG) and the Office of the Independent Police Monitor (OIPM). The measure provided for separating the offices and assigned agreed portions of the funds set aside annually by Charter for each offices independent operation. The measure passed and, as of January 2017, the Independent Police Monitor (IPM) reports to the ERB. We commit to the Citizens of New Orleans that the IPM will be held accountable to applicable standards as is the OIG.

To mitigate any potential conflicts of interest, we reviewed the manner in which complaints received were investigated, prosecuted and adjudicated. We found that our framework commingled these functions. To better serve the Citizens of New Orleans, we amended our rules to bifurcate these functions.

Dane Ciolino remains as General Counsel to the Board. Jessica Lang has continued her duties as our part time Executive Assistant. After much consideration, and pursuant to statute, the Board voted to begin a National Search in 2017 for the position of Inspector General. The Board invited Mr. Quatrevaux to apply for consideration. Mr. Quatrevaux's has advised that he will not seek reappointment, which means the OIG will receive a new leader, though not prior to Mr. Quatrevaux's departure. As Chair, I have appointed Howard Schwartz as Interim Inspector General pending our selection of a permanent Inspector General. Mr. Schwartz's interim tenure is effective October 20, 2017 at 12:01 a.m.

Our work in 2016 included the debut of the new ERB website, [www.nolaerb.gov](http://www.nolaerb.gov). It includes information that will allow you to learn more about our mission to serve the City of New Orleans, how to contact us, the steps to file a complaint or request an opinion, and minutes of past meetings. We have also fully staffed the Quality Assurance Committee, which is a necessary component to ensure our mission is accomplished. Should you prefer to reach us by phone, our number is (504) 681-3208.

Respectfully submitted,

A handwritten signature in blue ink that reads "Allen Miller". The signature is written in a cursive style with a large initial "A" and "M".

Allen Miller, Chair  
September 28, 2017



## 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

**Allen C. Miller - 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. He has extensive experience in complex commercial matters. Mr. Miller has handled a substantial number of cases from inception through resolution at trial, appeal and alternative dispute resolution where appropriate. 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. Past community service includes membership on the boards of Odyssey House of Louisiana, Inc., as Vice-President and Executive Committee Board Member, and 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.

**James A. Brown - Vice Chair**, 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 General Counsel and formerly served on the Board of Directors. Mr. Brown is a Fellow of the American College of Trial Lawyers and other national professional and honorary organizations. 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 35 years, Kelly, have three sons, two daughters-

in-law, and three grandchildren. Nominated to the ERB by the University of New Orleans, Mr. Brown's term will expire June 30, 2019.

**Reverend Brandon Boutin - Secretary**, currently serves as the First Assistant Pastor & Pastor of Ministries at Greater St. Stephen Full Gospel Baptist Church in New Orleans, LA, under the leadership of Dr. Debra B. Morton, and Bishop Paul S. Morton, Sr. Rev. Boutin is a graduate from St. Augustine High School, Xavier University of LA, and New Orleans Baptist Theological Seminary. In 1999, he became a licensed minister and in 2006 was ordained as an elder. Deeply concerned about people, on a daily basis Rev. Boutin may be found in community meetings, on speaking engagements, speaking on college campuses, participating in youth activities, conducting a funeral, wedding, or counseling. Rev. Boutin is a nominee of Dillard University; his term will expire June 30, 2022.

**Dr. Michael A. Cowan** 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. He is a nominee of Loyola University; his term will expire June 30, 2022.

**Dr. Joe M. Ricks, Jr.** is the 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 of Performance Improvement*, the *Journal of 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 Mitch Landrieu's appointee, and his term will expire June 30, 2020.

**Howard L. Rodgers, III** is Executive Director of the New Orleans Council on Aging/Area Agency on Aging. He holds a Masters 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 September 7, 2019.

**Elizabeth Livingston de Calderon** is a member of the faculty at Tulane Law School, where she has supervised students in federal and state courts and agencies as part of the Tulane Environmental Law Clinic since 2006. Through the Clinic, she has accumulated extensive litigation experience under the Clean Water Act, the Administrative Procedure Act, and the National Environmental Policy Act while representing non-profit and public interest organizations, as well as indigent individuals. She has also successfully engaged in federal litigation under the Clean Air Act, the Resource Conservation and Recovery Act, and the Endangered Species Act. In state proceedings, Ms. Calderon's practice centers on the Louisiana Environmental Quality Act and its supporting regulations. Before public interest and environmental law, Ms. Calderon practiced commercial bankruptcy law—first in New York City and then in Detroit. She graduated magna cum laude from Tulane Law School, was Associate Editor of the *Tulane Law Review*, and holds a Master of Arts degree in Classical Languages. Nominated to the ERB by Tulane University, Ms. Calderon's term will expire June 30, 2023.

### **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.

The Ethics Review Board has dedicated its energy to ensuring 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 to enforce the provisions of the City of New Orleans Code of Ethics. The Code of Ethics was established to remind each public official and employee that they must adhere to high ethical standards. It applies to all officials and employees of city government, as well as all members



and employees of boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city. The ERB is empowered to establish additional recommendations for the code of ethics, issue advisory opinions, promulgate rules regarding the interpretation and enforcement of the city's code of ethics, refer cases for investigation on referral or complaint, retain counsel, and impose fines.

## 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 2016, the Ethics Review Board received one (1) complaint.

	2013	2014	2015	2016
Received	4	8	2	1
Closed <sup>1</sup>			0	1 (partially closed)
Referral <sup>2</sup>	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		

<sup>1</sup> 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.

<sup>2</sup> 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 2016.

	2013	2014	2015	2016
Received	2	0	0	0
Closed	2			
Referral				

### **Future Work**

The Ethics Review Board continues to view education and training as integral parts to an effective government ethics program as means of achieving an ethical climate. We have increased the number of City employees that participated in ERB Ethics Education Training in 2016. We hope to accomplish the goal of all City employees undergoing Ethics Education Training in the coming years.

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.