



Groups oppose ethics bill

By [MARSHA SHULER](#)

Advocate Capitol News Bureau

Published: Feb 19, 2008 - Page: 1A

Two government watchdog groups asked the Jindal administration Monday to put the brakes on a bill to strip the state Ethics Board of its enforcement powers.

Officials with the Council for a Better Louisiana and the Public Affairs Research Council of Louisiana criticized the rush to make such a major change.

Gov. Bobby Jindal added the legislation to revamp the state Ethics Board's power at the last minute.

The League of Women Voters and Louisiana Common Cause officials also weighed Monday opposing House Bill 41, saying its adoption would be "a giant step backward." They feared the measure would gut the independent Ethics Board's authority to decide on ethics charges."

The legislation could be unconstitutional, officials for all four groups stated in news releases.

HB41 would transfer the judicial functions of the Louisiana Board of Ethics to administrative law judges. The law judges are hired by an appointee of the governor.

Lawmakers have complained about violation of the "due process rights" of the accused as the Ethics Board investigates, issues charges then sits in judgment of someone's guilt or innocence.

Jindal chief of staff Timmy Teepell said Monday the administration would not intervene in the debate. He said the measure — pushed by legislators who claim they have been treated unfairly — passed the House overwhelmingly Friday.

"Our core priorities — we want to make sure get done — are financial disclosure, conflicts of interest and transparency for lobbyists," Teepell said.

HB41 is pending action by a Senate committee today.

“This is the actual constitutional power of the Ethics Board, the reason the board was created to begin with. Its primary responsibility is to make these (enforcement) decisions,” CABL President Barry Erwin said. “If we are going to make such a large change ... it requires a good deal more study than we have had so far.”

“It makes no sense to us to rush something this important,” PAR president Jim Brandt said. “In our view it would weaken and dilute the authority of the board.”

The legislation was the subject of a flurry of behind-the-scenes talks throughout Monday as ethics officials tried to convince lawmakers and administration officials that there is a better way to fix the problem.

Teepell said the proposal — as well as others to require more secrecy in board operations — came from discussions with lawmakers and local officials who have been subjects of ethics or campaign finance inquiries.

“This wasn’t in Bobby’s campaign plan but a number of people brought this up and they made a persuasive case. We wanted to give the legislators a chance to discuss it,” Teepell said.

Jindal legal counsel Jimmy Faircloth said public officials don’t think the board’s process is fair. House Speaker Jim Tucker, R-Terrytown, said his bill would improve the handling of ethics judgments because administrative judges would not be involved in filing charges or conducting investigations.

Currently, the Ethics Board must vote to file charges, and its staff investigates the complaints. The board also holds hearings to determine whether a public official is guilty of the charges and sets penalties.

The Ethics Board has said its procedures have been deemed legal by state and federal courts, but it is willing to change them to get rid of perceived problems.

The Ethics Board on Thursday recommended that its 11-member board be split into two panels — one investigatory that would issue charges and the other adjudicatory to hear cases.

All four groups stated in their news releases that other ways exist to solve potential “due process” problems without giving Ethics Board powers to administrative law judges. The judges are used by state agencies to settle disputes usually with citizens to avoid lawsuits.

If there are problems, “let’s see if we can resolve it to preserve the constitutional role of the Ethics Board,” Erwin said.

Brandt said PAR favors the Ethics Board approach because it's the only one of five ideas being circulated that "would not dilute the strength and authority of the board."

Other ideas include using elected district court judges for the hearing and penalty phase, using retired judges or splitting the ethics administrators job into two positions, Brandt said.

CABL said there is "real value" in having the ethics judicial function handled by the volunteer Ethics Board which is chosen "through a rigorous selection process."

"While an individual administrative law judge can certainly render a verdict in an ethics case, we believe having a body of 'judges' determine the outcome of a case builds public confidence and makes the process more fair and more difficult to influence," Erwin said.

The Associated Press contributed to this report.