



PAR: Ethics reform flawed

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Gov. Bobby Jindal's 2008 ethics law overhaul contains flaws and has not yet attained "the gold standard" the governor ballyhooed, a Public Affairs Research Council research report issued Wednesday concluded.

The governmental research group's report said some changes weakened the state's ability to monitor and enforce compliance with the law.

"We hope they heed the title (of the report) which is 'The Unfinished Business of Ethics Reform' — that we still have work to do," PAR President Jim Brandt said. "We need a better enforcement mechanism to take care of the stronger laws."

"We think we have made progress, but we are not there yet," Brandt said. "We are saying 'here's a road map for the state.'"

The report suggests seven changes — the most controversial one calling for an end to a system where administrative law judges hired by a governor's appointee decide cases of alleged conflict of interest, nepotism and other law violations.

"The ethics administration process now resembles the model that the 1973 constitutional convention delegates attempted to avoid — one that places inordinate power in the hands of the governor," PAR said.

The proposal met immediate resistance from the Jindal administration and a top legislative leader on ethics issues who said the current system is working well.

PAR said it is hard to determine who should be filing personal finance disclosure statements and noted a lack of auditing of reports that are filed to determine their accuracy.

The report also said there is ambiguity in a law that determines how long the Ethics Board has to file charges against individuals and recommended steps to provide better public access to ethics activities.

PAR said the Board of Ethics should get the decision-making power back and a separate investigatory commission be established to investigate and prosecute cases. The recommendation is similar to a proposal being pushed by Ethics Board Chairman Frank Simoneaux.

Today, the Ethics Board does the investigating and prosecuting and the adjudicatory panels serve as judges.

Jindal's executive counsel Stephen Waguespack said some of PAR's recommendations have "merit."

But, he said, an end to administrative law judges deciding violations of state ethics laws would be a step back “to the good old days” when political appointees were making the decisions.

The governor appoints seven members of the Ethics Board and the Legislature four members from lists of nominees required by law from the state’s independent college presidents.

The administrative law judges are independent — and that’s what’s needed, he said.

The law judges are state employees hired by an appointee of the governor.

The administration supports a change in the law to give the Ethics Board the right of court appeal in some cases where the board disagrees with panel findings, Waguespack said.

House and Governmental Affairs Committee chairman Rick Gallot, D-Ruston, said he respects PAR’s work. But he said he did not see the need to restore judicial power to the Ethics Board.

“There needs to be a check and balance system like the one we have set up,” Gallot said.

The legislation won lopsided approval in 2008.

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