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Report calls for ethics changes **It says reforms have hindered enforcement**

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By Ed Anderson

Capital bureau

BATON ROUGE -- Some of the changes the Legislature made to state ethics laws in 2008 have hindered the operations and findings of the state Board of Ethics, a Baton Rouge-based governmental watchdog organization said in a report released Wednesday.

In a report titled "The Unfinished Business of Ethics Reform," the Public Affairs Research Council said that although many of the changes Gov. Bobby Jindal asked the Legislature to make in ethics laws two years ago have moved the state forward, others have undermined enforcement.

The report, compiled by council staff researcher-attorney Ann W. Heath, recommends dismantling the existing system of using administrative law judges to hear ethics charges because the person who oversees the judges is named by the governor and could be subject to political influences.

"The ethics administration process now resembles the model that 1973 constitutional convention delegates attempted to avoid: one that places inordinate power in the hands of the governor," the report said. It did not accuse anyone in the ethics administration or the governor's office of impropriety, but said the possibility exists under the present arrangement.

The report makes several recommendations for lawmakers to consider at the spring session, including clarifying what the report says are conflicts in existing laws that hinder enforcement and giving the 11-member Board of Ethics the authority to hear and rule on ethics violations, the power it had before the 2008 changes.

The report said that under the existing system, the ethics board is bound by the administrative judges' rulings and cannot appeal them, and must adopt the rulings as its own "even if the board disagrees with the outcome of the case."

The report recommends that the Legislature establish "a separate independent ethics investigatory commission" dedicated to collecting and auditing of financial reports and the investigation and prosecution of alleged violations of the ethics code and other laws within the ethics board's jurisdiction." The alleged violations should be heard by the existing board and the judges should be taken out of the system, according to the PAR study.

The financial reports filed with the proposed new commission should be entered online and made public, the report said.

The report said Jindal and the Legislature enacted stronger ethics laws in 2008 "with more expansive campaign and personal financial disclosure requirements, enhanced expenditure reporting from lobbyists, and new limitations on gifts that public servants can accept."

"However, even these improvements have produced a mixed bag of result -- from meaningful reform to minimal enforceability," the report said.

Jindal told reporters in New Orleans he has not read the report yet but said his office is "always looking for ways to improve the process. We've always said this would be a continual process."

Stephen Waguespack, Jindal's executive counsel, said taking the judges out of the picture and giving two panels of political appointees the right to bring charges and hear the cases "is a step backward. " It doesn't hold water. They (the administrative law judges) have a proven track record."

He said the administration will ask lawmakers at the session to give the board the right to appeal decisions of the judges in some cases to appellate courts.

The entire report can be read and downloaded at www.la-par.org.

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