

## Ethics Board: Restructure judging panels

### Appointments favored

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The Louisiana Board of Ethics recommended Friday the restructuring of panels deciding ethics violations to make them more independent of politics.

Late Friday, a top aide to Gov. Bobby Jindal and a legislative leader on ethics issues said they were willing to listen to the board's arguments but had to be convinced the new system is flawed.

The Ethics Board voted to ask the Jindal administration and the Louisiana Legislature to take power away from administrative law judge panels that form Ethics Adjudicatory Boards.

The judicial panels should be appointed in the same way as the Ethics Board is today, the board said.

The appearance of impropriety exists under a new system where panels of state employees whose jobs and pay depend on government officials are the judges, Ethics Board member Scott Schneider, of Mandeville, said.

"The Legislature did criteria to make this board as independent, nonpolitical as possible" and it exempted public employees from serving, Schneider said.

"Our livelihood does not depend on anything we do here," he said.

The Ethics Adjudicatory Boards are made up of nothing but public employees whose boss is appointed by the governor, he said.

Nominations for the 11-member Ethics Board come from private college presidents. The governor appoints seven members and the Legislature four from lists provided.

"No other state has public employees deciding the ethics of the governor, president of the Senate, speaker of the House, legislators," said Ethics Board chairman Frank Simoneaux, of Baton Rouge. He said officials with the National Conference of State Legislatures were "aghast" at the prospect.

The change in Ethics Adjudicatory Board makeup is among more than a dozen recommendations being forwarded to Jindal and the Legislature for potential legislation in the 2010 legislative session opening March 29.

A lawmaker would have to file legislation to make any of the recommendations happen.

The Jindal administration and top legislative ethics leaders defend the new system whereby the Ethics Board became the prosecutor. The board was stripped of judicial powers that they said caused problems with due process rights of the accused.

“We are always open to suggestions to make a good ethics code, ethics enforcement system better,” Jindal ethics point man Stephen Waguespack said Friday. But, he added, “Creating a new board with political appointees, we question whether that’s a step in the right direction.”

State Rep. Rick Gallot, D-Ruston, said Friday that he has seen nothing so far to indicate there are problems with the administrative law judge panels. “The evidence shows they hold hearings expeditiously and fairly,” said Gallot who chairs the House ethics panel.

“We welcome them making recommendations and I look forward to hearing what information they want to share in support of them,” Gallot said.

In other action, the Ethics Board voted to seek elimination of a requirement that it sign off on decisions made by the administrative law judge panels and change the law so it could go to court to challenge panel findings, particularly on interpretations of law.

The Public Affairs Research Council, a government research group, previously recommended that the judicial power be returned to the Ethics Board and a separate panel created for prosecutions. PAR also questioned public employees serving as judges.

PAR attorney-researcher Ann Heath told the board Friday that the administrative law panels are not independent. “This needs to be insulated from political influence as much as it can be,” Heath said.

The Ethics Board adopted some PAR suggestions including:

- Developing a system to audit campaign finance and personal financial disclosure reports for their truthfulness.
- Requiring boards and commission chiefs to report the names of their boards as well as their finances so the ethics agency can police who needs to file disclosure reports.
- Clarifying the law on deadlines for the timely filing of ethics charges.