



Official doubts ethics laws to change

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Gov. Bobby Jindal's office and the state Legislature are in no mood to revisit the laws that gave power to decide ethics cases to panels of state employees, Louisiana Board of Ethics Chairman Frank Simoneaux said Wednesday.

Simoneaux predicted that the problems created by the 2008 ethics revamp likely will become an issue in the gubernatorial and legislative races next year.

"The issue is here. It won't go away," Simoneaux told the Rotary Club of Baton Rouge.

The Legislature convenes on March 29. But Simoneaux said he sees little prospect of lawmakers changing the laws. Officials in Jindal's office also are reluctant to make significant changes in the laws, he said.

"I did not know the level of ill-feeling there is at the Capitol. You feel it when you talk to people. There is substantial resistance to going back and giving the board authority," Simoneaux said.

Previously, the Board of Ethics investigated, prosecuted and decided cases in which public officials were accused of wrongdoing. The 2008 revamp set up a system where ethics agency staffers investigate and prosecute claims but a panel of administrative judges decides if the evidence warrants punishment.

Simoneaux suggested that the ill-feeling may be rooted in a perception that prior Ethics Boards were "too hard-nosed in pursuing cases" and public officials "sensitive" to having their names in newspapers associated with ethics charges.

"I don't think it's irreparable," he said.

Simoneaux said there is "a great need for the public to be involved" and a need for "more communication among the governor, the Legislature and the board."

In his speech, Simoneaux criticized the law that put decisions on whether conflict of interest, nepotism or other ethics laws are violated into the hands of administrative law judges. He said members of the administrative judge panels are state employees who are subject to political job pressures.

No other state has an ethics enforcement system with public employees making decisions on whether violations have occurred, he said.

Jindal and top legislative leaders pushed for laws in a special 2008 ethics session that moved decision-making authority from the Ethics Board to panels of administrative law judges. The judges are state employees hired by an appointee of the governor.

Proponents of the revamp said the setup in which the Ethics Board served as both prosecutor and judge infringed upon the due process rights of the accused.

Simoneaux said he agrees that the functions should be split. But the state employee panels are not the way to go, he said.

Simoneaux suggested the Ethics Board become the decision-making body and a separate appointed panel be created to oversee investigations and prosecutions.

The Public Affairs Research Council of Louisiana proposed a similar change in a recent report that was critical of ethics law changes that have no strong enforcement provisions.

Simoneaux said PAR noted that the adjudicatory panels have been “excessively lenient.” He also said some panel decisions are based on incorrect readings of the law and practice.

In his speech, Simoneaux also said a law that shortened the time provided to investigate complaints and decide whether ethics charges should be filed is unworkable, Simoneaux said.

The 2008 Legislature decided a year was enough time to investigate and bring charges, if warranted, Simoneaux said.

The accused could delay giving investigators information and wait out the one-year deadline, he said.

“If you don’t get it filed in time, that case is gone,” Simoneaux said. “One year is not enough time.”