

## Ethics reform needs serious tweaking

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Ethics reform in Louisiana has been praiseworthy in recent years, but new procedural changes have combined into a giant step backwards for the state. Legislators can and should continue a once-promising reform movement by correcting these flaws during the upcoming session.

The changes that have undermined improvements are highlighted in a just-released report, "The Unfinished Business of Ethics Reform," by the private, non-partisan Public Affairs Research Council. In short, the report points out that the 11-member Ethics Board that was originally created to judge ethics cases no longer does that.

Instead, the board is now bound by new procedures that give adjudication authority to civil service administrative law judges (ALJs). These ALJs answer to one person appointed by the governor. "As a result," the PAR report says, "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."

Additionally, PAR notes, the new procedures do not allow the Ethics Board to appeal ALJ decisions and they even force the board "to adopt each ALJ decision as its own, even if the board disagrees with the outcome of the case." Other problems PAR identifies include:

- Requiring many new groups of public servants to participate in financial disclosure, yet the state has no procedure to name or count them.
- Confusion over the time periods allowed for consideration and investigation of complaints.
- Usefulness of advisory opinions by the Ethics Board has been diminished.
- Public accessibility via live, online access to meetings is not provided by the Board of Ethics or the Ethics Adjudicatory Board.
- Most data collected is not stored in a way that allows citizens to search, sort and make meaningful connections between dollars spent and potential conflicts of interest.

The PAR reports sums up the collective impact of the 2008 procedural changes as "an enforcement system that is fundamentally flawed and undercuts the force of ethics reform."

And as it often does, PAR offers a model change — this time for a more soundly structured method of ethics oversight, which should be required reading for all legislators and those who serve the public. We particularly like the recommendations for the removal of ALJs from the equation, along with the

establishment of a separate, independent ethics investigatory commission. That commission would collect and audit financial reports and would investigate and prosecute ethics violations and other laws under the Ethics Board's jurisdiction.

The Ethics Board would be re-established as the only body responsible for administering and enforcing the ethics code but would no longer collect reports, initiate investigations or consider complaints prior to formal charges being issued.

There are a number of other worthy PAR recommendations concerning the strengthening of investigations (including annual reports by all boards and commissions as well as random audits), improving transparency (via the addition of live Internet broadcast and audio/video and other online improvements) and strengthening prosecution (by resolving legal discrepancies about time frames for enforcement).

Ethics reform on paper offers a sales point that Gov. Jindal and others can show off to out-of-state industrial prospects and possibly a national audience of presidential voters. But ethics reform that is limited in practice won't get the job done. Reworking the new weak links — many of which lawmakers fully understood — should be at the top of the list of must-do items this spring at the statehouse.

Whether or not it gets the consideration it deserves will tell much about those elected and appointed to represent our state's best interests.