

The Ethics Review Board  
City of New Orleans  
Special Meeting

Bureau of Purchasing Conference Room  
Room 4W-05  
City Hall  
1300 Perdido Street  
New Orleans, Louisiana 70112

Tuesday, February 28, 2012  
2:30PM

MINUTES

Present: Rev. Cornelius Tilton, Chair; Elizabeth S. Nalty, Vice Chair; Okyeame Haley, Secretary; Dr. Michael Cowan; Dr. Laura Rouzan

Absent: Rev. Dr. Don Frampton

Staff Present: Felicia Brown, Executive Director  
Steven Scheckman, General Counsel  
Victoria Smith, Office Assistant, Trainee

The chair called the meeting to order at 2:31 p.m. Rev. Tilton explained the purpose of the Quality Assurance Review Committee and noted this would be the first time the committee would meet; no committee had been convened since the changes to the ordinance were made establishing the group. He further stated the city council and mayor's office have been contacted with regard to their designees. He asked members to articulate a process for review of the five nominees.

Dr. Rouzan inquired about specific qualifications for committee members and whether a legal background would be helpful. Ms. Nalty indicated a person with knowledge of city government, availability to serve, as well as someone who is civically engaged, would be beneficial for committee service. The chair referenced auditing and accounting backgrounds as more desirable in terms of experience for review of OIG work products.

It was recommended that nominees be discussed in terms of the qualifications and traits expressed. A discussion ensued with respect to individual nominees:

Ms. Nalty discussed Mr. Herschel Abbott, Jr.'s background, noting his participation throughout the community and his professional expertise. She believes he will bring a balanced perspective to the committee, along with the ability to comprehend information from varied sources and situations. Rev. Tilton discussed Dr. Torin Sanders' experience, including his affiliations with various local nonprofits and the philanthropic sector. The chair highlighted his practice in evaluation, expertise that would be beneficial in the review process. Drs. Rouzan and Cowan

acknowledged their submission of Dr. Mona Lisa Saloy and Dr. Michael Sartisky, respectively. The executive director indicated that Dr. Frampton had submitted the name of Ms. Carla Fishman for the board's consideration.

Dr. Cowan expressed his support for Mr. Abbott but voiced some concern about public comments by Dr. Sanders during his tenure as school board chair. An exchange ensued between the chair and Dr. Cowan with respect to Dr. Sanders' qualifications. In response to Ms. Nalty's question about her knowledge of Mr. Abbott, Dr. Rouzan indicated that she's had the opportunity to observe and interact with him as a result of his membership on Dillard's board.

A vote was taken on the nominees; the votes cast are as follows:

Dr. Mona Lisa Saloy: 0

Ms. Carla H. Fishman: 0

Dr. Michael Jeffrey Sartisky: 0

Mr. Herschel Abbott, Jr.: 3 (Drs. Cowan and Rouzan and Ms. Nalty)

Dr. Torin Sanders: 2 (Rev. Tilton and Mr. Haley)

### **Office of the Inspector General Legislative Updates**

The general counsel reviewed his memo to the board regarding administrative subpoena authority for the OIG and ERB and making OIG documents privileged. Mr. Scheckman indicated the IG will present to the board on these topics during its April meeting.

In his comments to the board, he explained the added protection that attaches when documents are privileged rather than confidential and identified instances when documents may be privileged (e.g., attorney-client, doctor-patient, and minister-confessor). The ERB could be incorporated into the language developed by the OIG in this respect. With regard to subpoena authority, Mr. Scheckman referenced the current process for issuing subpoenas.

The chair provided background in terms of the board's previous thinking in this regard, namely to safeguard and protect those implicated in matters that might come before the board. Board members engaged in an exchange with the general counsel with regard to the following: whether confusion might be created by the inclusion of the ERB with the proposed language changes by the OIG and political challenges the OIG might have to overcome in terms of passage of the legislative changes. Mr. Scheckman indicated that provisions for the ERB and OIG are currently contained within the same statutory sections.

Mr. Haley conveyed concern about the extent to which the IG would be able to withhold documents and cautioned against the expansion of authority delegated to the OIG. Dr. Cowan expressed a desire to ensure individual protections and questioned the purpose of the IG's request in light of the concerns raised by Mr. Haley. Mr. Scheckman confirmed that there are provisions to ensure due process and these matters are subject to appellate review.

Ms. Nalty moved that the meeting adjourn, with a second from Dr. Rouzan. The meeting adjourned at 3:17pm.