

# PAR

Public Affairs Research Council  
Baton Rouge

# BGR

Bureau of Governmental Research  
New Orleans

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**MEMO TO: Members of the Louisiana Legislature**

**FROM: Ty Keller, PAR**  
Interim President

**Jim Brandt, BGR**  
Executive Director

**SUBJECT: Authority of the Proposed Ethics Board to Initiate Investigations**

The major ethics reform proposal in this special session would be undone if Wednesday's House action to remove the single ethics board's investigative authority is allowed to stand. The House amendment to SB 5 would continue to require a sworn complaint before the ethics agency could investigate an alleged violation by an elected official. However, this requirement for a sworn complaint would then also apply to investigations of the other 200,000 non-elected public servants **thus greatly weakening the existing authority of the ethics agency.**

Currently, a possible ethics violation by an elected official, no matter how well documented in news stories or other reports, can not be investigated unless someone is willing to swear a formal complaint. However, the ethics commission can initiate investigations of non-elected public servants whenever it feels there is sufficient reason to do so.

Some legislators fear that a strong ethics board would use its investigatory power to conduct "witch hunts" and to tar elected officials. While this is unlikely, the initial proposal contained a number of protections. A two-thirds vote of the board (eight of the 11 members) would be required to issue a formal complaint. Any information gathering prior to the complaint would be confidential. The board members would be selected in a manner devised to stress impartiality and noninvolvement with government.

As initially drafted, the administration's single ethics board bill was based largely on the recommendations of a comprehensive study of Louisiana's ethics laws published jointly by PAR and BGR. The objective of the PAR/BGR study was to strengthen ethics administration and provide consistency by eliminating special treatment for legislators and others. The House changes would provide consistency, not by raising the level of enforcement, but by sinking it to the lowest common denominator. The result would be a weaker ethics agency than we now have.

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