

REPORT

prepared for

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ETHICS & COMPLIANCE COMMISSION
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by

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Dear Commissioners:

You retained me in January of 2025 to:

1. Perform a review of Public Letters 2024-01 and 2024-04 and render an opinion as to whether such Public Letters were issued in accordance with Jefferson Parish Ordinances and all applicable standards and procedures established by the Association of Inspectors General; and,
2. Determine whether the Inspector General has maintained the requisite level of independence in the performance of her duties in accordance with standards and procedures established by the Association of Inspectors General.

Before attempting to answer these questions, some preliminary observations are in order. First, it is important to recognize that our elected officials are ultimately charged with the responsibility of speaking for the people they represent. They are, of course, subject to legal, ethical, and constitutional requirements and limitations. And the Office of Inspector General plays an important role in investigating, evaluating, and/or advising them (and/or other appropriate authorities, if not the public) when such proposed actions might potentially run afoul of such proscriptions or otherwise lead to potential fraud, abuse, and/or waste. Nevertheless, at the end of the day, it is the responsibility of our elected officials to dictate policy, and to determine whether a proposed course of action or expenditure is likely to be advantageous or detrimental to the public. Subject, ultimately, to the political check, in the event that their choices do not meet with the voters' approval.

Similarly, it is the role of the Inspector General to determine how best to achieve increased accountability and oversight of parish government officials, employees, entities, and funds. The IG is, of course, subject to legal requirements and limitations, as well as the Principles and Standards promulgated by the Association of Inspectors General. In some cases those proscriptions will be clear. Yet, both the law and professional standards entrust the Inspector General with a certain level of discretion. And, at the end of the day, it is the Inspector General's responsibility to assess the prioritization and urgency of matters that fall within his or her jurisdiction. Just as the Inspector General should be respectful of the political process, I have attempted to be respectful of the Inspector General's unique knowledge, experience, and expertise. To the extent that her choices may be inconsistent with the Commission's conception of what is prudent or optimal, it is ultimately up to the Commission to provide guidance and oversight to the Inspector General with respect to such methods and means.

At the same time, and unsurprisingly, there are bound to be subjective (yet lawful and legitimate) disagreements about the appropriateness or desirability of legislative or executive action, on the one hand, and the prioritization and pursuit of matters by the Inspector General, on the other.

I believe it is important, in this regard, to make clear what I was *not* asked to do. Specifically, I was not asked to attempt to determine whether the substance of the Inspector General’s Public Letters were correct or incorrect on the facts or the law. I was not asked to attempt to determine whether the Parish Council was or was not within its authority and discretion to include within its 2024 Operating Budget a transfer from the Criminal Justice Fund to the General Fund. Nor was I asked to attempt to determine whether the Parish Council was or was not within its authority and discretion to greenlight the Gretna Brew Pub project. Nor whether the project constitutes a good or bad investment for the people of Jefferson Parish – a policy question left to the sound discretion of the Parish Councilmembers who are elected and entrusted to make those types of decisions. I was not asked to attempt to determine whether the Parish Council was or was not within its authority and discretion to promote or approve the contemplated land swap in connection with the EAT Fat City plan. Nor was I asked to re-visit this Commission’s Advisory Opinion 2024-001 regarding the Parish Council’s voting process, nor its determination that, due to the way that such votes are conducted, allegations regarding potential conflicts of interest in matters coming before the Council could not be established under the clear and convincing evidence standard of proof that is required. I have, and express, no opinion on these matters.

With that preface, I now turn to the questions at hand.

Were Public Letters 2024-01 and 2024-04 Issued in Accordance with Jefferson Parish Ordinances and All Applicable Standards and Procedures Established by the Association of Inspectors General?

There is nothing in the Jefferson Parish Ordinance that was in effect at the time that Public Letters 2024-01 and 2024-04 were issued or the Standards and Procedures promulgated by the Association of Inspectors General which explicitly prohibited the Inspector General from releasing a “Public Letter” in an attempt to prevent what is perceived to be potentially problematic legislation and/or possible waste. The Inspector General has a general mandate under the controlling Ordinance “to prevent and detect fraud, waste, abuse and illegal acts,” including the authority to “issue reports and recommend remedial actions to be taken by the parish council,” and to otherwise “engage in prevention activities, including but not limited to: the prevention of fraud, waste, abuse, and illegal acts; review of legislation; review of rules, regulations, policies, procedures, and transactions; prevent and detect fraud, waste, abuse and illegal acts.”¹ Such

¹ JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(2), (11)(f) and (11)(i). *See also, e.g.*, LA. REV. STAT. 33:9611(B) (“The proper operation of democratic government requires that elected officials and public employees be accountable for their actions, that governmental decisions are made in a transparent manner... and that there be public confidence in the integrity of government,” and, to that end, the provisions enabling the establishment of an Inspector General “are to be liberally construed in support of the purposes for which this Chapter is enacted”); JP CHARTER §4.09(A) (“There shall be an office of inspector general which shall provide a full-time program of investigation, audit, inspections and performance review of parish government operations to assist in improving operations and deterring and identifying, fraud, waste, abuse, and illegal acts and to provide increased accountability of parish government, its departments, agencies, special districts and entities receiving funds through the parish, in order to preserve public trust”).

“prevention activities” are largely undefined, and are arguably left to the Inspector General’s discretion. The Principles and Standards for Offices of Inspector General speak generally to the legal authority of inspectors general “to engage in prevention activities, including but not limited to: review of legislation; review of rules, regulations, policies, procedures, and transactions,” and “to issue public reports.”² The Quality Standards generally provide that the Office of the Inspector General “should keep appropriate officials *and the public* properly informed of the OIG’s activities, findings, recommendations, and accomplishments consistent with the OIG’s mission....”³ Several Public Letters had been previously released by the Jefferson Parish Inspector General’s Office without any apparent objection or controversy.⁴ And several other IG’s Offices from around the country have issued Public Letters without any indication that they had been previously submitted to the interested officials or other parties.⁵

The Ordinance and Standards in effect at the time could therefore have been interpreted to allow the Inspector General to release a “Public Letter” in furtherance of her mandate to prevent what the IG’s Office had (correctly or incorrectly) perceived to be a potentially questionable transfer of funds (in the case of Public Letter 2024-04) or potentially wasteful expenditures (in the case of Public Letter 2024-01).

However, I believe that the better reading of the Ordinance and Standards contemplates that such communications would be submitted to the relevant officials for

² PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Legal Authority for an Office of Inspector General, ¶B; *see also, e.g.*, §3.10 (“Reports on the results of OIG inspections, evaluations, and reviews may be written or in such other retrievable form (such as an oral report with slide presentation or a video presentation) as may be allowed by the OIG’s authorization *and, in the judgment of the OIG, will best meet its objectives*”). *See also, e.g.*, GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024) §8.23 (“Determining the form, content, and frequency of the communication with management or those charged with governance is *a matter of professional judgment*”).

³ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §1.7, (emphasis supplied).

⁴ *See, e.g.*, PUBLIC LETTER TO THE PARISH PRESIDENT (July 15, 2015); OPEN LETTER TO PARISH ELECTED OFFICIALS (Aug. 24, 2015); POSITION PAPER TO THE PARISH COUNCIL (April 19, 2016); OPEN LETTER TO PARISH COUNCIL AND PARISH ATTORNEY (March 2, 2017); POSITION PAPER ADDRESSED TO PARISH COUNCIL AND PARISH PRESIDENT (April 21, 2017); POSITION PAPER ADDRESSED TO PARISH PRESIDENT AND PARISH COUNCIL (May 16, 2018); LETTER TO PARISH COUNCIL, PARISH PRESIDENT, AND CITIZENS OF JEFFERSON PARISH (Nov. 13, 2018); LETTER TO PARISH PRESIDENT (July 16, 2019); POSITION PAPER TO PARISH PERSONNEL BOARD (Dec. 9, 2019); COVID MONITORING MEMORANDUM #2020-0035 (Sept. 9, 2020) (in which the former IG, Mr. McClintock, explains that: “Monitoring efforts are proactive in nature and typically involve long term and complex projects. They are designed to follow the project or issue over a period of time. This permits the JPOIG to address issues when they arise, or are discovered, as opposed to at the events’ conclusion. In this way, it is often possible to maximize public transparency in significant matters while also providing an opportunity take corrective action along the way if necessary. Therefore, this interim memorandum should not be considered as a final report. It is not intended to address all concerns raised in the various forums, rather it addresses limited areas where the JPOIG believes corrective action should be considered or where a substitute process offers alternatives that support the principals of good governance”); LESSONS LEARNED: VOLUNTEER FIRE COMPANIES #2023-0001 (Nov. 8, 2023).

⁵ *See, e.g.*, NEW ORLEANS OIG LETTER TO THE CITY COUNCIL (Aug. 11, 2016); NEW ORLEANS OIG LETTERS TO THE MAYOR AND THE CITY COUNCIL (Dec. 28, 2009 and Dec. 29, 2009); NEW YORK INSPECTOR GENERAL LETTER TO COMMISSIONER OF EDUCATION (Jan. 16, 2024).

review and comment prior to public disclosure.⁶ Specifically, the Ordinance in effect at the time of the Public Letters in question directed that a copy of any “recommendations” or “findings” be provided to “the person or entity being reported or who is the subject of the recommendation,” and, where, as here, related to the Parish Council, afforded them “thirty (30) working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation.”⁷ While the Ordinance expressly allows the Inspector General to issue “public reports,” they are also made subject to the provisions quoted above.⁸

Although, as noted, the Principles and Standards generally direct the OIG to keep the citizenry informed by issuing public reports, the structure and text of more specific provisions suggest that the Inspector General should first “inform appropriate officials through oral or written reports of important OIG undertakings, their outcomes, and any problems encountered that warrant the officials’ attention,”⁹ and then distribute “final reports” to appropriate legislative bodies, interested parties, and the public, “if authorized” and “to the extent consistent with the law.”¹⁰ With respect to “Emergency Circumstances,” the Principles and Standards suggest that, when the OIG receives a credible allegation or evidence of a significant and immediate danger to people or property, the OIG should inform “appropriate individuals” as soon as reasonably possible.¹¹

⁶ Going forward, of course, the Ordinance has been subsequently amended to limit certain “public statements” or “public comment” by the Inspector General, and to make it clear that “early communications or letters”, as well as final reports or recommendations, must be submitted to the interested parties for explanation and/or rebuttal in advance of public dissemination. See RESOLUTION NO. 26443 (Jan. 15, 2025).

⁷ JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(9)(a)-(c); see also, e.g., §2-155.10(9)(f) (prohibiting the IG, within 90 days of an election, from distributing any report “*for response*”).

⁸ JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(11)(j) (“Issue public reports *as set forth in subsections (9) and (10)*”). While, therefore, and as previously noted, there is nothing in the Ordinance or Standards which expressly prohibited the Inspector General from releasing a “Public Letter”, there is also nothing in the Ordinance or Standards which explicitly authorized or endorsed the practice.

⁹ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §1.7(B).

¹⁰ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §1.7(C). See also, e.g., §3.10 (“Reports on the results of OIG inspections, evaluations, and reviews may be written or in such other retrievable form (such as an oral report with slide presentation or a video presentation) *as may be allowed by the OIG’s authorization*”) (emphasis supplied).

¹¹ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §1.7(E). While, as noted *supra*, some examples of “Public Letters” issued by other IG Offices do not indicate that they had been presented to the appropriate officials for comment prior to publication, other examples indicate that such recommendations were, indeed, previously submitted for comment. See, e.g., HOMELAND SECURITY MANAGEMENT ALERT, OIG-22-31 (March 16, 2022); CITY OF CHICAGO OIG ADVISORIES (March 6, 2024, July 9, 2024, and Sept. 10, 2024); CITY OF BALTIMORE OIG RESPONSE TO DEPT. OF PUBLIC WORKS (July 23, 2024). Indeed, several of the Jefferson Parish Public Letters noted *supra* reflect at least some prior correspondence with officials or employees regarding the subject matter. Several of the previous Jefferson Parish and other IG communications, moreover, were directed to general or upcoming legislative or administrative considerations, and did not suggest that specific actions that had already been taken by elected officials might arguably be improper or untoward. Public Letter 2024-04 fits into this more accepted paradigm, issued on April 30, 2024 to address a legislative proposal that was scheduled to be voted on at the upcoming Parish Council Meeting the next day.

In connection with Investigations, the Principles and Standards do not expressly refer to a “public” disclosure, but simply a “timely referral” or “written report.”¹² When systemic weaknesses or management problems are revealed in an investigation, they should be reported to “appropriate officials.”¹³

In connection with Inspections, Evaluations, and Reviews, the Principles and Standards similarly direct a timely written report “to appropriate officials.”¹⁴ The associated Guidelines indicate that such reports “should be distributed in a timely manner to appropriate officials responsible for taking action in response to report findings and recommendations,” and specifically indicate that the Inspector General “should solicit pertinent views and comments of appropriate officials on the content of the report when appropriate.”¹⁵

Finally, in connection with Audits, the GOA Auditing Standards (sometimes referred to as the “Yellow Book”) contemplate that drafts of formal audit reports will be provided to the responsible Government Officials, whose comments will be included with the final.¹⁶ The Comptroller notes, among other things, that: “Providing a draft report with findings for review and comment by responsible officials of the audited entity and others helps the auditors develop a report that is fair, complete, and objective.”¹⁷

Technically speaking, the Public Letters in question were not formal audit reports, nor the findings or recommendations of a formal investigation, evaluation, inspection, or review. They were, rather, in the view of the Inspector General, necessary interim and remedial attempts to prevent potentially improper transfers and/or waste. Public Letter 2024-01 attempts to draw this distinction:

... this Public Letter makes observations and raises concerns, but it does not reach findings or related recommendations. The JPOIG will issue findings and make related recommendations in future audit, inspection, evaluation, and/or investigative reports.¹⁸

¹² PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §2.9.

¹³ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §2.9 (Guidelines).

¹⁴ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §3.10.

¹⁵ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL (Oct. 22, 2022) (effective July 1, 2024), Quality Standards for the Office, §3.10 (Guidelines).

¹⁶ *See generally* GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024), Standards for Financial Audits, §§ 6.54 – 6.71, and Standards for Performance Audits, §§ 9.50 – 9.55.

¹⁷ GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024), Standards for Financial Audits, §6.62, and Standards for Performance Audits, §9.54.

¹⁸ PUBLIC LETTER NO. 2024-0001 (Sept. 19, 2024) at p.35. Similarly, with respect to Public Letter 2024-04, the Inspector General told the Parish Council: “Let me say that this item and this money has been on our radar for probably about six months. So I apologize for the timing, but it was about putting forth a product that could be preventative versus dealing with a report that went back and autopsied expenditures that may not have been appropriate.” TRANSCRIPT OF PARISH COUNCIL MEETING (May 1, 2024). (*see also, generally, e.g.*, COVID MONITORING MEMORANDUM #2020-0035 (Sept. 9, 2020) (quoted above))

At the same time, however, it seems fair to point out that such nuances are likely to be lost on the reader, who might have predictably come away with the impression that the Parish Council’s conduct in connection with the Gretna Brew Pub project may have violated the law. The Public Letter suggests, for example, that the Parish has engaged in transactions that may “violate” the Louisiana Constitution;¹⁹ “contravene” or undermine the Public Bid Law;²⁰ “circumvent” the Public Lease Law;²¹ or have “violated” the Open Meetings Law; with the specific allegation that the Parish Council fragmented a single project into multiple resolutions across several meetings, “intentionally obscuring” the full scope of the Multi-Use Development project from the public.²²

While such characterizations may or may not have factual merit, it is my understanding that the law generally allows Economic Development Corporations to enter into Cooperative Endeavor Agreements which are not subject to the Public Bid or Public Lease laws.²³ Yes, in the colloquial sense, this perfectly legal structure could be said to “undermine” or “circumvent” or “contravene” the Public Bid or Public Lease laws. But, particularly in hindsight, it would have been better for the Inspector General to have made it more clear that the Public Letter was directed primarily, if not exclusively, to the prospect of possible “waste” – which is defined broadly to include “the act of using or expending resources carelessly, extravagantly, or to no purpose.”²⁴ The Auditing Standards observe, in this regard, that the determination of “waste” is subjective, and: “Importantly, waste can include activities that do not include abuse and does *not necessarily involve a violation of law.*”²⁵

Where possible waste is concerned, the Jefferson Parish Office of Inspector General’s own Policies and Procedures provide that the Office “will alert appropriate officials as early as possible to instances of ... egregious waste that become known to the JPOIG.”²⁶

¹⁹ PUBLIC LETTER NO. 2024-0001, at p.2.

²⁰ PUBLIC LETTER NO. 2024-0001, at p.20.

²¹ PUBLIC LETTER NO. 2024-0001, at p.23.

²² PUBLIC LETTER NO. 2024-0001, at pp.30-31.

²³ See, e.g., *M.K.L. Development v. City of New Orleans*, No.1999-1516, pp.2-4 (La. App. 4th Cir. 10/16/2000), 772 So.2d 711, 713-714 (citing La. R.S. 38:2211(A)[12], 38:2212, and 41:1212(G)) and LA. REV. STAT. 41:1215(B)(4). Which are noted by the Inspector General in PUBLIC LETTER NO. 2024-0001, at pp.20-21 fn.71 and p.23 fn.77.

²⁴ GAO STANDARDS FOR INTERNAL CONTROL (“Green Book”) (Sept. 2014) §8.03.

²⁵ GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024) §§ 6.20 and 6.21 (emphasis supplied).

²⁶ See generally JEFFERSON PARISH OFFICE OF INSPECTOR GENERAL MANUAL OF POLICIES AND PROCEDURES, §2-7(IV)(B).

In this particular case, the timing of Public Letter 2024-01 has been questioned,²⁷ and it has been suggested that the contents of both Public Letters should have been communicated to the Parish Councilmembers privately, before turning to the public if necessary.

Whether right or wrong, the Inspector General did not believe, based on her knowledge, experience and understanding of the circumstances, that such communications would have been effective absent public attention.²⁸

²⁷ On the one hand, the Resolutions regarding the Gretna Brew Pub project had already been approved by the Parish Council, (so, the argument goes, how was this potentially “egregious waste” being “prevented?”); on the other hand, the Inspector General had been alerted to the potential issue at a Special Meeting of the Parish Council back in October of 2023, if not before, (so wouldn’t that have been “as early as possible” to call to the Parish Council’s – and/or to the public’s – attention?). The Inspector General, whether right or wrong, felt that it was necessary to engage in an appropriate level of due diligence to understand and assess the complicated factual and legal history before alerting the responsible officials, (and, as it happens, the public). At the same time, and on the other hand, the Office felt, (whether right or wrong), that they had a clear enough understanding by September 2024 – as well as some urgency, due to the upcoming groundbreaking and expected commencement and/or acceleration of expenditures – to credibly issue the Public Letter at that time.

²⁸ The IG points, for example, to the Quality Assurance Review of the Inspector General’s Office conducted by John Benz, Duke McConnell, and Jim Letten, in which it was observed that the former IG, Mr. McClintock, experienced “disappointment and frustration” over the lack of responsiveness on the part of elected officials to the IG reports. The Review Committee recommended, among other things, that the Office prepare a separate report indicating the formal responses (if any) to IG recommendations, and whether the recommendations were ultimately implemented. (*see* QUALITY ASSURANCE REVIEW (May 10, 2019)) The consequential report revealed that, from 2013 thru 2021, written responses were provided 18% of the time. (*see* SUMMARY REPORT OF JPOIG RECOMMENDATIONS (2013-2021)) While the Gretna Brew Pub project had already been approved at the time of the Public Letter, the \$10 million in funding had not been disbursed, construction plans were incomplete, and no construction contract had been executed. It was the Inspector General’s concern, given the incremental approval of funding for the project, coupled with evidence of coordination between Port Orleans, JFI, and at least one former Councilmember going back several months before the advertised Request for Proposals, that delaying the Public Letter to seek private engagement with Councilmembers posed a risk that the transaction might proceed without public comment or scrutiny; that Councilmembers might expedite fund transfers prior to public intervention; and/or that interested parties might be able to adjust their positions and create increased exposure for the Parish (*e.g.* with a hastily executed construction contract). The extent to which these concerns were or were not justified is beyond the purview of this report. The Inspector General points to the fact that the project is proceeding as planned as support for her belief that addressing privately with the Parish Council would not have been effective. From the Parish Council’s point of view, the project is proceeding as planned because the criticisms raised in the Public Letter were inaccurate, exaggerated, not well-founded, and incomplete. There is a legitimate argument that, irrespective of the ultimate merits of the project, it is better that people be informed of the potential downsides; which, among other things, fosters greater accountability. At the same time, legislative decisions are not made in a political vacuum. Seeking private feedback could have alerted the Inspector General to any inaccuracies in her Public Letter – which has been noted in the Standards as desirable with respect to formal audits and final reports. But I suspect that the provisions contained within Section 2-155.10(9)(a)-(c) of the Ordinance are also a reflection of some degree of political compromise and consideration.

With hindsight, it would have been prudent, and may have been more effective, for the IG to have raised the concerns identified in the Public Letters privately with the Parish Councilmembers before releasing them to the public. But the Inspector General is ultimately vested with the responsibility to assess the urgency of the situation, and – within certain legal requirements and limitations, which have now been made more clear²⁹ – to determine the appropriate timing and methods that are most likely to be effective in preventing a potentially unauthorized transfer of funds and/or a potentially ill-advised series of expenditures that she and her staff have (correctly or incorrectly) identified as possible waste.

Whether the Inspector General has maintained the requisite level of independence in the performance of her duties in accordance with standards and procedures established by the Association of Inspectors General?

While posed as two separate and distinct inquiries, it is my perception that, given the way the situation has unfolded, the two issues are effectively linked. Stated another way: I do not believe that the release of the Public Letters would have been questioned in the same way absent the allegation or perception of political favoritism; nor do I believe that the independence of the Inspector General would have been questioned in the same way had her concerns been first addressed privately with the Parish Council. Nevertheless, I will attempt to untether the two questions and address them separately.

For the Office of the Inspector General to operate with authority and effectiveness, the public must be confident that that the IG and her staff operate freely of any conflicts of interests or agendas. It is likely for this reason that the policies and standards speak of the “appearance” of personal, external or organizational impairments to independence, as well as any conflicts of interest as a matter of fact. The Standards and Policies promulgated by the Association of Inspectors General (sometimes referred to as the “Green Book”), for example, emphasizes that: “The inspector general and OIG staff involved in performing or supervising any assignment should be free both in fact and in appearance from personal or external impairments to independence and should constantly maintain an independent attitude and appearance.”³⁰

It has also been noted, in this respect, that an “appearance of independence” standard is arguably higher than being free from an “appearance of impropriety”.

²⁹ See RESOLUTION NO. 26443 (Jan. 15, 2025) (explicitly requiring that any “early communications or letters” first be submitted to interested parties for explanation and/or rebuttal prior to publication).

³⁰ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTORS GENERAL (“Green Book”) (eff. July 1, 2024) §1.1. See also, e.g., QUALITY STANDARDS FOR FEDERAL OFFICES OF INSPECTORS GENERAL (“Silver Book”) (Aug. 2012) §II(C) (“The IG and OIG staff must be free both in fact and appearance from personal, external, and organizational impairments to independence”); JEFFERSON PARISH OFFICE OF INSPECTOR GENERAL MANUAL OF POLICIES AND PROCEDURES, §2-1(I) (“The JPOIG will consider not only whether they are independent and whether their own attitudes and beliefs permit them to be independent, but also whether there is anything about their situation which might lead others to question their independence. All situations deserve consideration since it is important that the JPOIG be as independent as possible and impartial in fact and in appearance”).

At the same time, this is a difficult standard to apply, as the question of whether someone may or may not appear to be “independent” is often subjective and largely in the eye of the beholder.

In this particular case, it is my opinion that the Inspector General and her Office have maintained a requisite level of independence in the performance of their duties.

For one thing, when the structure and details of the Ordinance and Standards are examined, they suggest that the requirements for independence are primarily intended to ensure that the investigation or analysis of potential wrongdoing or waste will not be *deterred* by public officers or officials.³¹ And not necessarily to prevent the investigation or analysis of alleged mismanagement or waste that might be potentially *encouraged* by a public officer or official,³² as has been suggested with respect to the Public Letters here.

Perhaps this is somewhat naïve to the political realities. And I do recognize the concern that an Inspector General might be intentionally or unintentionally “co-opted” by someone who is potentially trying to make political points or settle a political score.

I understand further that it might appear that the Inspector General was favoring the political interests of a friendly Councilperson against the other members of the Parish Council whose agendas were seemingly at odds. Upon examination of the structural and policy objectives, however, as well as the review of a number of confidential documents and materials,³³ I believe that the Inspector General’s Office has generally pursued the matters falling within its purview independent of undue influence or agenda.

³¹ See, e.g., JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(7)(a) (“The office of inspector general shall be operationally independent from the legislative and executive branches of the parish, including the parish council, and the office of the parish president.... ‘Operationally independent’ shall mean that *neither the parish council, the parish president, nor any employee of the parish shall prevent, impair, or prohibit the inspector general from initiating, carrying out, or completing any audit, investigation, inspection or performance review*”) (emphasis supplied).

³² See, e.g., JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(11)(e) (authorizing the IG to “*receive and investigate complaints from any source* and investigate those complaints that the inspector general deems credible or upon his own initiative conduct investigations concerning alleged fraud, waste, abuse, illegal acts, and service deficiencies”) (emphasis supplied).

³³ See, e.g., LA. REV. STAT. 33:9614, JEFFERSON PARISH CODE OF ORDINANCES §23-135(C)(13), JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(11)(y) and (12)(a), MEMORANDUM OF UNDERSTANDING (Oct. 26, 2022) §VIII, JEFFERSON PARISH OFFICE OF INSPECTOR GENERAL MANUAL OF POLICIES AND PROCEDURES, §2-8 and §8-1(V)(G), PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTORS GENERAL (“Green Book”) (eff. July 1, 2024) Legal Authority §D, and Quality Standards §1.8, and QUALITY STANDARDS FOR FEDERAL OFFICES OF INSPECTORS GENERAL (“Silver Book”) (Aug. 2012) §II(D), which require confidentiality over the identity of people making complaints as well as records and information gathered during an IG and/or ECC investigation.

Taking the policies and standards first, the Yellow Book’s identification of threats to structural independence focus on potential external influences “that could improperly *limit or modify the scope* of an engagement or threaten to do so” (*i.e.*, “restrictions on the time allowed to complete an engagement”, “interference over assignment, appointment, compensation, and promotion”, “restrictions on funds or other resources”, “threat of replacing the auditor”).³⁴ The Green Book promulgated by the Association of Inspectors General similarly warns its members to be mindful of “professional, personal, or financial relationships that might appear to lead the OIG to *limit the extent of the work, to limit disclosure, or to alter the outcome* of the work.”³⁵ This is consistent with the Jefferson Parish enabling Ordinance, which, as noted, defines “operationally independent” to mean that “neither the parish council, the parish president, nor any employee of the parish shall *prevent, impair, or prohibit the inspector general from initiating, carrying out, or completing any audit, investigation, inspection or performance review.*”³⁶

The Ordinance, at the same time, and as previously referenced, does not seem concerned with the prospect that the Inspector General might pursue a potential matter over-aggressively, even where such investigation is being promoted by someone with his or her own political agenda or who may have a close personal relationship with the IG. To the contrary, the Inspector General is authorized to “*receive and investigate complaints from any source* and investigate those complaints that the inspector general deems credible or upon his own initiative conduct investigations concerning alleged fraud, waste, abuse, illegal acts, and service deficiencies.”³⁷

In terms of the way that the events in question have actually unfolded, it is important to recognize, at the outset, that the resolutions in connection with the Gretna Brew Pub project were unanimously approved by all of the Parish Councilmembers.³⁸ And in the case of the proposed Gretna Major Crimes Task Force Criminal Justice Fund transfer, Public Letter 2024-04 was issued before the vote by the Council Members was taken.

³⁴ See, e.g., GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024) §3.42.

³⁵ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTORS GENERAL (“Green Book”) (eff. July 1, 2024) §1.1(B)(1) (emphasis supplied); see also, e.g., Legal Authority §F, and Quality Standards (External Impairments) §1.1(C) (concerned with maintaining independence through the selection, appointment, and employment of the IG and the OIG staff; the availability of funding and other resources; the determination of the scope and timing of the work; and access to documents or individuals).

³⁶ JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(7)(a) (emphasis supplied).

³⁷ See, e.g., JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(11)(e) (emphasis supplied); see also, e.g., §2-155.10(21) (“The inspector general may receive and investigate complaints or information *from any public employee* concerning the possible existence of any activity constituting fraud, waste, abuse, and illegal acts”).

³⁸ See RESOLUTION NO. 142061 (May 17, 2023) (7-0); RESOLUTION NO. 142638 (Aug. 23, 2023) (6-0) (Lee absent); RESOLUTION NO. 143039 (Oct. 24, 2023) (6-0) (Bonano absent); RESOLUTION NO. 143294 (Dec. 6, 2023) (7-0); RESOLUTION NO. 144958 (Sept. 10, 2024) (7-0).

The EAT Fat City land swap was also initially approved by the entire Parish Council.³⁹

Which points to an apparent disconnect between the way that elected officials and the IG's Office tend to view legislative activity. From a political or public relations perspective, expenditures within a Jefferson Parish District are viewed largely, if not exclusively, as that District Councilperson's responsibility.⁴⁰ From a legal or fiduciary perspective, however, the entire Parish Council (or at least the majority of the Councilmembers who may thereafter vote or have already voted for the proposal) share in the responsibility for that course of action. So, in this situation: From a political or PR standpoint, an investigation or criticism of the EAT Fat City project is likely to be viewed as an investigation or criticism of Councilwoman Van Vrancken, while an investigation or criticism of the Gretna Brew Pub project is likely to be viewed as an investigation or criticism of District 1. From the Inspector General's standpoint, on the other hand, these are Parish Council projects and decisions.

Moving to the context of "independence", elected officials understandably tend to focus on an appearance of fairness and evenhandedness with respect to political actors and political consequences. Where the IG is concerned, on the other hand, "independence" is framed in terms of the ability – whether in fact and/or in appearance – to investigate and expose potential illegality, fraud, abuse, and/or waste.

It may well be that the Commission believes that the Inspector General should be more sensitive to the political realities, and to appear more evenhanded with respect to the investigation or public criticism of Parish Council proposals or expenditures that are likely to affect different Councilmembers differently, politically.⁴¹ But that seems to be a different question than the one I was asked to attempt to answer – namely, whether the IG's

³⁹ See RESOLUTION NO. 26085 (April 12, 2023) (7-0).

⁴⁰ And, indeed, as a practical matter, it appears that the relevant District Councilperson does typically take the lead in evaluating the merits of the proposal, shaping the details of the project, and presenting the contemplated expenditures to the rest of the Parish Council for approval.

⁴¹ Contributing to the allegations and perceptions of a lack of political independence or impartiality, for example, are the public statements and appearances by the Inspector General, ostensibly in coordination with Councilwoman Van Vrancken, and seemingly in "support" of her then-current political agenda. And I can understand why this might not be desirable – particularly to the extent that the objections and concerns raised about the Brew Pub project might be factually or legally unfounded. Assuming, however, that there are legitimate concerns from an objective government oversight perspective, it would seem that the overarching policies that underlie the Inspector General concept would favor communication efforts, irrespective of the alignment. (*see, e.g.* PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTOR GENERAL, §3.10 ("Reports on the results of OIG inspections, evaluations, and reviews may be written or in such other retrievable form (such as an oral report with slide presentation or a video presentation) ... in the judgment of the OIG, will best meet its objectives")) In any event, and going forward, this quandary would appear to have been at least somewhat alleviated by the recent amendments to the Ordinance, which curtail at least some "public statements" or "public comment" by the Inspector General. *See* RESOLUTION NO. 26443 (Jan. 15, 2025).

conduct violated either the controlling JP Ordinances or the standards and procedures established by the Association of Inspectors General.

With respect to the EAT Fat City project in particular, it is important to recognize that the OIG was and is expressly prohibited from distributing a report involving elected officials, the Parish President, or any Parish Councilmember “within ninety (90) days preceding an election in which the affected official may be a candidate.”⁴² A confidential and anonymous complaint was first made to the Inspector General relating to the proposed EAT Fat City land swap on August 16, 2023.^{43, 44} Primary elections for the two At-Large Parish Council seats, as well as the District 3, District 4 and District 5 Parish Council seats, were scheduled to be held in October 14, 2023 – within that 90-day period. While the Inspector General’s Office continued to investigate the issues raised in the August 16th complaint, (as well as a subsequent complaint made in September),⁴⁵ any urgency with respect to the proposed land swap was perceived to have largely been mooted after the swap had been abandoned, through the intervention of the Parish President, prior to the October 2023 election.⁴⁶

⁴² See, e.g., JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(9)(f).

⁴³ An earlier call from a different source had been received by the Inspector General’s Office relating to the EAT Fat City proposal in March of 2023, but the concerns expressed regarding the project had a different focus and were not expressed with the same force or urgency. [I should note, at the same time, that some have suggested that a general monitoring of the Parish Council proceedings relating to this project should have arguably given the IG’s Office cause for investigation, separate and apart from the external March or August and September 2023 complaints. In fact, at least some investigation of the project had been undertaken by the IG’s Office prior to the complaint received on August 16th. In the meantime, the Parish Council would approve the land swap on April 12, 2023.]

⁴⁴ The Parish Council had voted (unanimously) to approve the land swap by Ordinance No. 26587 on April 12, 2023. See RESOLUTION NO. 26085.

⁴⁵ With respect to this investigation, the Inspector General and her Office have been criticized for both (a) not investigating the matter aggressively enough, and (b) not recusing themselves from the investigation and referring the matter to another law enforcement agency. The standards and possible procedures for recusal are discussed more fully *infra*. With hindsight, and in consideration of the political and PR aspects, (*i.e.* that the EAT Fat City project was largely considered to be a “District 5” project, as opposed to a project that had been approved unanimously by the entire Council), it may well have been better for the IG to have recused herself, and either referred the matter to another law enforcement agency (if any) or asked the ECC to appoint independent counsel. [When the alleged or perceived issue is “waste”, as opposed to fraud, abuse, or other possible illegality, there is arguably no other law enforcement agency with relevant jurisdiction.] But the confidential file reveals the existence of an investigation into the matter, which appears to be conducted under the established procedures and protocols, led by two deputies, consisting of both interviews and a review of the JP budgets, Council ordinances, resolutions, and meeting minutes; local media reports; Constitutional, State Law, and Parish Code provisions; contractual terms; tax assessor records; Secretary of State records; the Jefferson Parish Code Enforcement property evaluation database; and records from the 24th Judicial District Court.

⁴⁶ After the land swap was abandoned in September of 2023, the other parties sued the Parish for specific performance. That lawsuit was settled, with the Parish agreeing to buy the Orleans Courtyard property for \$4.85 million, on September 30, 2024. The point has been sensibly made that, given the lawsuit and eventual purchase of the property by the Parish, coupled with certain consultant expenses and other preliminary expenditures, any potential impropriety associated with the proposed land swap would not have been rendered moot simply because the land swap proposal itself had been abandoned.

With respect to the Gretna Brew Pub controversy, it is likely worth noting that the Inspector General’s internal review of the proposal commenced well before Councilwoman Van Vrancken started to raise concerns about the project⁴⁷ – a project which, again, the Councilwoman herself had voted to approve.⁴⁸

The Inspector General’s independence has also been challenged with respect to her handling of the accusations that Councilwoman Van Vrancken had improperly participated in certain Parish Council votes regarding matters in which she, her husband, and/or her family had an economic interest.⁴⁹ With respect to that matter, the IG removed herself from the proceedings, which was handled by outside counsel along with a disinterested member of her staff. Ultimately, the ECC issued Advisory Opinion 2024-001, criticizing the entire Council for the way that votes are held, and concluded in this particular case that, because of the way such voting is conducted, a violation could not be established by “clear and convincing” evidence.⁵⁰

It is true that: “When the inspector general has reason to believe he must recuse himself from a matter, because of a potential conflict of interest, the inspector general shall refer such matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.”⁵¹ Which would suggest that the Inspector General is not permitted, in such circumstances, to simply establish a “Chinese Wall” between herself

⁴⁷ Although the law protects the complaints and other information provided to the Inspector General’s Office, (*see* FOOTNOTE 33, *supra*), I was given access to the file, and it is clear that there were concerns raised within the Office regarding the Gretna Brew Pub project prior to any disagreement or concern being raised by Councilwoman Van Vrancken.

⁴⁸ While Councilwoman Van Vrancken initially requested that the Special Meeting called for October 24, 2023 be deferred, she ultimately voted for the resolution approving the lease agreements between JFI and POB Restaurant and Gretna Beer. *See* RESOLUTION NO. 143039 (Oct. 24, 2023) (reflecting a vote of 6 Yeas and zero Nays, with Councilman Bonano absent). Councilwoman Van Vrancken then voted for the project-amendment resolutions again in December 2023 and September of 2024. RESOLUTION NO. 143294 (Dec. 6, 2023); RESOLUTION NO. 144958 (Sept. 10, 2024) (on Motion of Ms. Van Vrancken).

⁴⁹ *See, e.g.*, Blake Paterson, “Jefferson Parish Councilwoman Faces Ethics Investigation” [nola.com](https://www.nola.com/news/jefferson-parish/jennifer-van-vrancken-faces-ethics-inquiry-she-says-is-bogus/article_8559fa6e-963f-11ef-8c33-af0e6c3304a0.html) (Oct. 31, 2024) (available at: https://www.nola.com/news/jefferson-parish/jennifer-van-vrancken-faces-ethics-inquiry-she-says-is-bogus/article_8559fa6e-963f-11ef-8c33-af0e6c3304a0.html as of Feb. 21, 2025).

⁵⁰ *See* JEFFERSON PARISH ETHICS ADVISORY OPINION 2024-001 (Jan. 17, 2024) (regarding the voting procedures adopted during Parish Counsel Meetings), *and* JEFFERSON PARISH CODE OF ORDINANCES §23-135(C)(7) (establishing the burden to prove the violation of an ordinance, regulation, or policy of the parish by “clear and convincing” evidence). [If the violation gives rise to criminal penalties, the violation must be established beyond a reasonable doubt.] Again, I express no opinion as to whether the Commission was correct or incorrect in this determination. But it is my understanding that, in either event, the Inspector General’s outside counsel and staff presented the allegations to the ECC, and the Inspector General herself had nothing to do with the Commission’s decision.

⁵¹ *See, e.g.*, JEFFERSON PARISH CODE OF ORDINANCES §2-155.10(11)(q). (*But see* JP ORDINANCE §23-135(a)(1)(a) (which provides that independent counsel may be appointed to investigate and prosecute any claim that may present a conflict of interest for the Office of the Inspector General))

and the Office’s outside counsel and/or staff.⁵² However, in this particular instance, I think it was reasonable for the Inspector General to believe that a formal referral to an outside agency was unnecessary, as: **(i)** the matter in question was not an investigation or evaluation initiated in the Inspector General’s Office; but was pending before the Ethics & Compliance Commission;⁵³ **(ii)** it is not completely clear that the Inspector General was required to recuse herself from the matter; and **(iii)** the complaint was also separately before the State Ethics Board.^{54, 55}

Under the Ordinance establishing ethical standards for parish employees, the recusal provisions speak in terms of: having an economic interest in the transaction; having an immediate family member with an economic interest in the transaction; owning an entity with an economic interest in the transaction; serving as an officer, director, trustee, partner or employee of an entity with an economic interest in the transaction; being in negotiation for prospective employment with a person or entity having an economic interest in the

⁵² *But see, e.g.*, JP ORDINANCE §23-135(a)(1)(a), as well as *State v. Bourque*, 622 So.2d 198, 218 (La. 1993), *State v. Edwards*, 420 So.2d 663, 673 (La. 1982), *State v. West*, 561 So.2d 808, 810-811 (La. App. 2nd Cir. 1990), and *State v. Thornton*, 521 So.2d 598, 600 (La. App. 1st Cir. 1988), which are discussed in FOOTNOTES 53 and 59, *infra*.

⁵³ The Inspector General’s Office has primary responsibility with respect to the investigation, audit, and evaluation of fraud, waste, and abuse. *See generally* JEFFERSON PARISH CODE OF ORDINANCES §§2-155.10(2) and (11)(a)-(f). With respect to suspected illegal activities, those matters are referred to the District Attorney, the United States Attorney, or another appropriate law enforcement agency. JP ORDINANCE §2-155.10(11)(p). With respect to ethical violations, however, it is the Ethics and Compliance Commission that has primary jurisdiction and responsibility. *See* JEFFERSON PARISH CHARTER §4.10(A); JP CODE OF ORDINANCES §2-538(a). The IG’s Office refers suspected ethical violations to the Ethics and Compliance Commission, and/or, in the case of a State Ethics Law, to the State Board of Ethics. *See* JP ORDINANCE §2-155.10 (11)(r) and (t). Thereafter, the Inspector General’s Office would arguably only be “assisting” the ECC, the State Ethics Board, or other law enforcement agency. *See* JP ORDINANCE §2-155.10(11)(s). To the extent that the Inspector General is acting as the “prosecutor” with respect to a potential parish ethics violation, the Ordinances provide that: “Independent counsel may be appointed by the commission to investigate and prosecute any claim that may present a conflict of interest for the office of the inspector general.” JP ORDINANCE §23-135(a)(1)(a); (*see also* JP CHARTER §4.09(C); JP ORDINANCE §2-155.10(7)(b); PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTORS GENERAL (“Green Book”) (eff. July 1, 2024) Legal Authority, §F). As I understand it, that is essentially what occurred in this instance, with outside counsel and a member of the IG’s staff presenting the complaint to, and/or otherwise assisting, the ECC.

⁵⁴ It is not clear when the matter may have been first opened by the State Board of Ethics. It was apparently assumed, at the very least, if not known, by the IG’s outside counsel and/or the ECC’s counsel when the IG’s decision to formally recuse herself from the JP ECC proceeding was made. It is worth noting, perhaps, that even prior to that time, Ms. Chatelain was not personally involved in the day-to-day investigation, which was being led by Deputy Inspector General Jeffery Adolph. It may be that the IG arguably should have recused herself and/or formally referred the allegations to the State Board of Ethics sooner. Nevertheless, and in any event, it is clear that at some point the matter was being separately considered by the State Ethics Board. *See, e.g.*, Paterson, “Jefferson Parish Councilwoman Faces Ethics Investigation” (Oct. 31, 2024).

⁵⁵ While I am by no means an expert in criminal law, it would seem that, as a practical matter, the State Board of Ethics might have been the only other body that the IG could have referred the matter to, as the accusation doesn’t strike me as something that either the U.S. Attorney’s Office or the District Attorney’s Office would have been likely to pursue.

transaction; or being a party to a contract with a person or entity with an economic interest.⁵⁶ While perhaps not completely analogous, and putting the appearance of independence issue aside, there is nothing in this disqualification section which would suggest the mandatory recusal of a public employee or official, such as the Inspector General, simply based on a friendship, or even a close friendship, with an interested party.

Where prosecutors are concerned, the law dictates that a district attorney be recused where: he or she has a personal interest in the prosecution; is the spouse of or related to the accused or the victim; or was involved in the case before he or she was elected.⁵⁷ In some cases interpreting the code article, the need for recusal has been rejected based on alleged friendships between a prosecutor and a member of the victim's family; but at least one decision has implied that recusal may be warranted if they were "close personal friends."⁵⁸ At the same time, on the other hand, several of the decisions indicate that a relationship with someone in the office does not disqualify the entire office from being involved in the prosecution.⁵⁹

While the standards for prosecutors are arguably more applicable to the role of the Inspector General, the judicial standards impose a general "appearance of impropriety" standard, which has been codified in Louisiana as "a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner."⁶⁰ Which arguably would apply to a close personal friendship between the judge and a party. But the categorical grounds for recusal are limited to situations where: the judge is a witness in the case; the judge (or his or her firm) participated in the case; or the judge is the spouse, parent, child, or immediate family member of a party of attorney.⁶¹ There are also grounds for recusal when the judge "is biased or prejudiced toward or against the parties or the parties' attorneys," but that is not an "appearance" standard; it is an actual bias or prejudice standard, "to such an extent that the judge would be unable to conduct fair and impartial proceedings."⁶² Some Judicial Canons similarly include an "appearance of conflict" standard, where "the judge's impartiality might reasonably be questioned."⁶³ Which, again, would arguably apply to a close personal friendship between the judge and a party. But the categorical grounds for recusal are limited to situations involving the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household.⁶⁴ In

⁵⁶ See JEFFERSON PARISH CODE OF ORDINANCES §23-109(a)-(c).

⁵⁷ LA. CODE CRIM. PRO. ART. 680.

⁵⁸ See, e.g., *State v. Bender*, 598 So.2d 629, 633-634 (La. App. 3rd Cir. 1992).

⁵⁹ See, e.g., *State v. Bourque*, 622 So.2d 198, 218 (La. 1993); *State v. Edwards*, 420 So.2d 663, 673 (La. 1982); *State v. West*, 561 So.2d 808, 810-811 (La. App. 2nd Cir. 1990); *State v. Thornton*, 521 So.2d 598 (La. App. 1st Cir. 1988).

⁶⁰ LA. CODE CIV. PRO. ART. 151(B).

⁶¹ LA. CODE CIV. PRO. ART. 151(A)(1)-(3).

⁶² LA. CODE CIV. PRO. ART. 151(A)(4).

⁶³ See ABA MODEL CODE OF JUDICIAL CONDUCT, Canon 2.11(A).

⁶⁴ See ABA MODEL CODE OF JUDICIAL CONDUCT, Canon 2.11(A)(3).

Louisiana, the Canons allude to the avoidance of an “appearance of impropriety” generally, admonish judicial officers from actually allowing “family, social, political, or other relationships to influence judicial conduct or judgment,” require them to recuse themselves from any proceeding “in which the judge’s impartiality might reasonably be questioned,” and direct them to “perform judicial duties without bias or prejudice.”⁶⁵

The Auditing Standards speak generally of avoiding “situations that could lead reasonable and informed third parties to conclude that the auditor ... is not capable of exercising objective and impartial judgment on all issues associated with conducting the engagement and reporting on the work,” and the absence of “circumstances that would cause a reasonable and informed third party to reasonably conclude that the integrity, objectivity, or professional skepticism of an audit organization or member of the engagement team had been compromised.”⁶⁶ However, the specific conflicts of interest that are referenced are limited to the auditor’s own personal financial interests, or “those of an immediate or close family member; a general partner; an entity for which the auditor serves as an officer, director, trustee, or employee; or an entity with which the auditor is negotiating concerning future employment.”⁶⁷

The Quality Standards for Federal Inspectors’ General speak generally of threats to independence to broadly encompass “aspects of a relationship with management or personnel of an audited entity, such as a close or long relationship” that may lead an OIG member to take a position that is not objective.⁶⁸ At the same time, the conflicts of interest relating to financial interests are limited to those held by “the staff member or by certain family members, or by positions the staff member holds as a trustee, director, officer, or employee.”⁶⁹ A conflict of interest “in fact and in appearance” under these standards can be cured by the “selection of a replacement non-impaired auditor” or “utilizing separate engagement teams.”⁷⁰

⁶⁵ LA. CODE OF JUDICIAL CONDUCT, Canons 2(B), 3(A)(4), and 3(C).

⁶⁶ GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024) §§ 3.19 and 3.21(b). *See also, e.g.*, QUALITY STANDARDS FOR FEDERAL OFFICES OF INSPECTORS GENERAL (“Silver Book”) (Aug. 2012) §II(C).

⁶⁷ GOVERNMENT AUDITING STANDARDS (“Yellow Book”) (Feb. 2024) §3.15; *see also, e.g.*, §3.41 (referring to “close or immediate family members”).

⁶⁸ QUALITY STANDARDS FOR FEDERAL OFFICES OF INSPECTORS GENERAL (“Silver Book”) (Aug. 2012) §II(C)(2)(4).

⁶⁹ QUALITY STANDARDS FOR FEDERAL OFFICES OF INSPECTORS GENERAL (“Silver Book”) (Aug. 2012) §II(C)(4).

⁷⁰ QUALITY STANDARDS FOR FEDERAL OFFICES OF INSPECTORS GENERAL (“Silver Book”) (Aug. 2012) §II(C)(2) (Safeguards).

The Principles and Standards published by the Association of Inspectors’ General similarly advise that, where a member of the OIG staff has a personal situation that may create an actual or perceived conflict of interest, “in such situations, the OIG staff who are affected by these circumstances should disqualify themselves from an OIG review and allow the work to continue without them.”⁷¹

Taking all of this into consideration, I think it was reasonable for the Inspector General to remove herself from the ECC proceedings at issue, and allow them to be handled by outside counsel, along with disinterested OIG staff.⁷²

Stepping back from the handling of this particular complaint, it is perhaps worth noting that Councilwoman Van Vrancken, despite her friendship with Ms. Chatelain, voted to reduce the term of the Inspector General from five years to four years and to place additional requirements and limitations on the publication of IG reports in 2019.⁷³ And it was primarily former Councilman Impastato, as I understand it, and not Councilwoman Van Vrancken, who was assisting the Inspector General in her to attempt to revise the IG Parish Ordinance in December of 2023.⁷⁴

Finally, I think it’s important to note that my experience with the Inspector General and her staff over the course of this investigation is consistent with the observations that have been made in several peer reviews. The Office was extremely cooperative and responsive to all of my requests for information and documentation, and, based on my interactions with Office employees, it seems clear that the Inspector General has instilled

⁷¹ PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTORS GENERAL (“Green Book”) (eff. July 1, 2024) §1.1(B); *see also* JEFFERSON PARISH OFFICE OF INSPECTOR GENERAL MANUAL OF POLICIES AND PROCEDURES, §2-1(IV) (If circumstances result in a personal, external or internal impairment, “actual or perceived, to the independence of any JPOIG employee the affected JPOIG employee(s) will be removed from the respective audit, investigation or evaluation”). *See also, e.g.*, PRINCIPLES AND STANDARDS FOR OFFICES OF INSPECTORS GENERAL (“Green Book”) (eff. July 1, 2024) Legal Authority §F, and Quality Standards §1.1(C)(2), which authorize and encourage the IG’s use of independent counsel.

⁷² This is particularly true in light of the separate and independent complaint/investigation before the State of Louisiana Board of Ethics, with which the JP Inspector General’s Office is completely uninvolved.

⁷³ *See* RESOLUTION NO. 25930 (Dec. 18, 2019).

⁷⁴ *See, e.g.*, AGENDA FOR PARISH COUNCIL MEETING DECEMBER 6, 2023, at p.36.

in her staff a strong commitment to the mission, irrespective of the consequences.⁷⁵ The Office has established, among other things, a comprehensive set of internal IT systems and other controls to document, log, and preserve all complaints and other communications or information that might be relevant to any investigation, audit, or evaluation, with matters assigned to appropriate staff members, in a way that minimizes, if not eliminates, the ability of an interested party to delete any evidence, or to change any finding or recommendation.⁷⁶ In addition, it is the policy of the Office that a staff member not involved in the investigation, audit or evaluation conduct an Independent Reference Review of all reports, including the Public Letters at issue, before they are publicly disseminated.

⁷⁵ *See also, e.g.*, QUALITY ASSURANCE REVIEW (May 1, 2024) (“For this, the sixth consecutive year of the Committee’s review, Jefferson Parish’s Inspector General Kim Chatelain and her staff of highly educated and qualified professionals were at all times accessible, responsive, candid, clear, helpful, and eager to provide whatever information we requested in order to make our sixth review as complete, accurate and effective as possible”); ASSOCIATION OF INSPECTORS GENERAL PEER REVIEW (Sept. 17, 2024) (“in all our interactions with your staff, we were shown the respect and cooperation that is the hallmark of a professional staff truly interested in a full and open review of their work”). The Jefferson Parish Quality Assurance Committee went on to conclude that: “The Office of the Inspector General under IG Chatelain’s leadership continues to provide accountability and oversight of government functions in positive, constructive ways by operating fairly and without political or personal agendas, thus maintaining productive dialogs with all branches with which it interacts. Moreover, it does so while maintaining the essential political, economic, social, personal and other distance and objectivity to enable it to effectively demand accountability and point out shortcomings in Parish government components and processes in need of repair whenever necessary.” QUALITY ASSURANCE REVIEW (May 1, 2024); *see also, e.g.*, ASSOCIATION OF INSPECTORS GENERAL PEER REVIEW (Sept. 17, 2024) (“based on a peer review of the JP IG Office’s Audit Division and Investigations Division “for compliance with the AIG Principles and Standards for Offices of Inspector General (Green Book) and the International Standards for the Professional Practice of Internal Auditing (Red Book) issued by The Institute of Internal Auditors (IIA),” the Association of Inspectors General was “pleased to advise that we found no reportable instances of failure to meet these standards,” concluding that: “It is the unanimous conclusion of the Team that both AD and ID met all relevant AIG and IIA standards for the period under review”). *See also, e.g.*, QUALITY ASSURANCE REVIEW (May 10, 2019) (describing the team as “highly professional, thorough, ethical, and effective in arriving at and presenting the results of their investigations, positions, recommendations and monitoring reports with the primary goals of providing genuine transparency for the benefit of parish citizen” when Mr. McClintock was serving as IG, and the current Inspector General was serving as the Office’s First Assistant).

⁷⁶ *See generally* Chapters 7 and 8 of the JEFFERSON PARISH OFFICE OF INSPECTOR GENERAL MANUAL OF POLICIES AND PROCEDURES.

Conclusion

Based on a thorough review of the matter, it is my opinion that the Jefferson Parish Ordinance and Association of Inspector General Standards in effect at the time could arguably be interpreted to allow the Inspector General to release Public Letters 2024-01 and 2024-04. The better interpretation and practice would have been to communicate those concerns to the Jefferson Parish Council Members privately before releasing them to the public. But I think it was possible, under the Ordinance and Standards in effect at the time, for the IG to believe that the promulgation of such Public Letters fell within her general mandate to monitor and attempt to prevent a potentially unauthorized transfer of funds and/or possible government waste. It is also my opinion that the Jefferson Parish Inspector General's Office has generally pursued the matters falling within its purview independently, within the meaning of the relevant Jefferson Parish Ordinances and Association of Inspectors General standards.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'S. Herman', with a long horizontal flourish extending to the right.

Stephen J. Herman, Esq.