

**THE FIRST ANNUAL
QUALITY ASSURANCE REVIEW
OF THE
JEFFERSON PARISH
OFFICE OF THE INSPECTOR GENERAL:
OIG 2018 REPORTS**

BY
THE JEFFERSON PARISH
OFFICE OF THE INSPECTOR GENERAL'S
QUALITY ASSURANCE REVIEW COMMITTEE
John E. Benz
Duke McConnell
Jim Letten

Presented to
The Jefferson Parish Inspector General

May 10, 2019

CC: The Jefferson Parish President

The Members of the Jefferson Parish Council

The Jefferson Parish Ethics and Compliance Committee.

1.

Introduction

The undersigned members of the office of the Jefferson Parish Inspector General's Quality Assurance Review Committee (Hereafter Review Committee/Committee) are pleased to present to the inspector general (OIG/IG), the Parish President, Council Members and the Ethics and Compliance Committee this, our first annual review of the OIG 2018 interim reports and Annual Report.

We are grateful for the trust which the members of the Jefferson Parish Ethics and Compliance Committee, Parish Government, Inspector General's Office, and the citizens of the parish have placed in each of us in entrusting the three members of this committee to provide an objective view of—and make constructive recommendations on—the IG's 2018 reports.

Moreover, we value and appreciate this opportunity to provide meaningful feedback and input in the form of recommendations to help contribute to and enhance the continued quality of future OIG reports, processes, work product and positive outcomes.

Because this is the first such report which the Review Committee has been tasked to produce, before setting about the process of carrying out our mission, we had to *define* it with some precision. That is to say, the three members of the review committee felt that we were required to determine what our initial task consisted of—and equally importantly, *what it did not*.

It is therefore important to note that at the outset we the Committee recognized that with a highly skilled, professional, competent Parish Inspector General and

investigative/support staff— which has undertaken and completed a number of thorough investigations, audits, and reports, reviews, position papers and monitoring assignments—our mission is not to re-investigate, analyze, evaluate or pass judgment on the content or conclusions of the OIG’s investigations, decisions, conclusions findings or recommendations. To do so would, in our estimation, potentially run afoul of both the intent of the Ethics and Compliance Committee in establishing the Review Committee, and the essential separation of powers— by potentially intruding on the function, judgment and authority of the OIG as an essential, independent, non-political component of the Jefferson Parish government.

Rather, we unanimously determined that our focus should remain on carefully reviewing the OIG’s work product and additionally sharing practical observations, recommendations, and possible options (collectively and at times individually) which could hopefully assist the Inspector General’s Office in producing reports of its functions and conclusions in the clearest, simplest, most understandable and easy to address format available under the circumstances; and to further provide, when appropriate, various recommendations and options to consider with a view to improving future processes and reports issued by the OIG.

To those ends, we reviewed and discussed the following:

2.

Annual Report Summary/Overview.

1. Case number 2017-0031; Public bid 50-00120070...Questioned costs \$115,144.
2. Case number 2016-0028; Sonny Randon Photography... Questioned costs \$36,224.
3. Case number 2017-0045; Water Department physical security... Questioned costs \$11,000

4. Case number 2018-0003; Parish allowance report: 10-year value \$836,982... Questioned costs \$83,000
5. Case number 2017-0041; Parish premium pay, three-year value \$12,742,567... Questioned costs \$4, 302,610
6. Position paper: Amendments to the Code of Ordinance Section 2-34.2; pre-filing of ordinances and section 2-35 Council agenda and supplemental information.
7. Position paper: Proposed amendments to the Jefferson Parish Code of Ordinance Section 2-162.3; duties of the Internal Auditor.
8. Monitoring Report: BP settlement funds in Deepwater Horizon; Questioned costs... \$53,119,542
9. Monitoring Report: Hospital lease negotiations and monitoring; Questioned costs... \$563,000,000.

The Review Committee, having read, reviewed, analyzed and discussed the aforementioned reports, unanimously agrees that Inspector General David McClintock and his team are by all accounts and observations 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 citizens, and thereby reducing fraud, waste and abuse—as well as simply offering in some instances options and recommendations for more efficient and cost-effective expenditure of taxpayers' money.

Moreover, aside from recommendations, suggestions and possible options offered herein below, the Review Committee collectively congratulates the Inspector General and his staff on a job well done.

In the following categories, either the Committee as a whole, or individual Committee members, either raise questions or offer suggestions and options.

3.

Recommendations and Considerations

Recommendation 1.

In future Annual Reports, in order to ensure enhanced security for members of the Inspector General's investigative and support staff, the Review Committee recommends that no photographic images of such employees of the OIG (with the exception of the Inspector General himself) should be included in the report or otherwise publicly released or disseminated.

Recommendation 2.

Because the Office of the Inspector General is an investigative body, with the power to gather, assimilate, and analyze all forms of probative evidence—testimonial, documentary, electronic, public, private— for the purpose of identifying, exposing, deterring and where appropriate, referring for possible enforcement action all forms of fraud, waste, and abuse in parish government; and because the IG and his staff frequently act in concert with—or share information with—federal, state, and local law-enforcement, the Review Committee recommends that the OIG consider reporting to the public where appropriate and non-sensitive those matters which have been referred by the OIG to law enforcement for investigation and possible prosecution.

We likewise recommend that in those matters in which previously-referred and investigated matters have yielded *criminal charges and dispositions* (i.e., convictions, sentences, acquittals, etc.), in those instances in which such information is available and releasable without compromising criminal investigative investigations, sources, methods, and processes, the OIG report those referrals which have resulted in such *publicly-available* actions in the Annual

Report.

This will, to the extent possible, provide citizens with additional, essential information about not only the efficacy of the OIG and its investigative processes—but also about the ultimate results of those investigations and actions. (E.g., Referrals to: District Attorney; Sheriff; FBI; United States Attorney, etc. which have resulted in formal public actions.)

Recommendations 3 and 4. (2 Recommendation Components)

On page 2 of the OIG’s 2018 annual report, it is noted that:

“...Since our inception, 48.9% of all [OIG] recommendations have been either rejected or have gone unaddressed. I believe this is a reflection of some and parish leadership avoiding to contend with some of the more complex and long-term practices...”

3.

It is the Review Committee’s recommendation that a brief, separate report specifying the details of these matters referred to be provided to the Review Committee, Parish President, Parish Council, and public. It is also recommended that any such report specify *which* OIG recommendations have been:

- a. ignored altogether;
- b. rejected without dispute or explanation or some alternate interaction; or...
- c. the subject of disagreement or dispute, and relevant circumstances thereof.

4.

Because this recommendation addresses the lack of response to some of the IG's reports, the Review Committee *further recommends* that the OIG, Jefferson Parish Council and the Parish Executive Offices make a concerted effort to come to an agreement or protocol to eliminate altogether those cases in which the OIG's recommendations are ignored, or are rejected without any explanation.

Ideally, legislation should be explored *requiring* a response from the parish official, governmental department or component addressed in an OIG report.

The Review Committee notes that *the OIG does indicate* in its reports what if any responses are received; corrective action taken; or contrary positions or disputes expressed...as well as those instances simply not receiving acknowledgement or responses.

Because Inspector General McClintock expressed disappointment and frustration when the OIG did not receive a response, the review Committee recommends that the Parish Council and the Executive Branch explore options for some action in that regard through either legislation or executive order which could at a minimum require some response—whether compliance, further study, agreement, opposition, explanation, or dispute—in order to provide citizens with more transparency into parish government.

Recommendation 5.

One of the Review Committee Members, with the acknowledgement of the other two, noted that in many if not most instances, the OIG, through investigation, objectively identifies abuse or waste...such as the unnecessary duplication of photographic services resulting in over \$36,000 in unnecessary expenditures—resulting in notice to appropriate Parish officials to implement procedures to avoid such a duplicate of an expenses going forward. (E.g., Case number 2016-0028; Sonny Randon Photography... Questioned costs \$36,224.)

However, in two such investigations—case number 2017-0031/Investigation of

Public Bid; and in case number 2017-0041/Parish premium payment— a Committee Member noted that in both of these, the OIG’s findings, while objectively accurate based upon analysis of the evidence, were possibly subject to legitimate dispute by Parish Officials.

Specifically, in case number *2017-0031*, Inspector General accurately noted that the employment of a landscaping subcontractor was technically not in keeping with the specific provisions of the Request For Proposal (bid) ...resulting in a technical non-compliance with RFP requirements...but did not otherwise appear to establish whether that technical violation (which consisted of the failure to accurately list an employee, and which was disputed by the Parish Attorney) resulted in actual loss or degraded services to the Parish as a result thereof.

Similarly, in case number *2017-0041* involving Parish Premium Pay, while the OIG’s investigation did clearly indicate that the discretionary provision of such premium pay as “stand-by” pay for Parish employees was wasteful...that Committee member expressed concern that the investigation did not appear to provide a clear analysis of whether those forms of “standby“ pay in fact on occasion provided a viable and even potentially cheaper alternative to keeping essential employees on the payroll when full-time commitment was not necessary to accomplish the mission.

In such cases, it was suggested that the OIG and Review Committee confer to explore the possibility of alternative solutions which could conceivably identify possible issues while not providing outwardly negative opinions or pronouncements— as long as the potential for resolution and explanation of such questions practices remain unresolved and open to challenge, dispute or debate.

One additional solution discussed was the selective utilization of an “Agreed Upon Corrective Action Plan” following discussion of a draft, not-yet-public report.

Recommendation 6.

One of the review Committee members, referring to Case Number 2018-0003; Parish allowance report: 10-year value \$836,982...Questioned costs \$83,000,

questioned whether the IG’s recommendation that the parish buy and issue mobile phones as an alternative to providing employee allowances was indisputably the most efficient and cost-effective expenditure to effect communications. Asserting that the purchase of phones vice allowance for use of personal phones for official use itself has drawbacks, the Committee member suggested that in such matters in which alternative solutions could have merit and therefore could be subject to debate, the report could be couched in such terms—offering instead an option or suggestion and therefore triggering constructive debate, studies, or exploration which could in turn result in solutions.

Recommendation 7.

The Review Committee recommends that wherever possible, the OIG research, consider and report in appropriate cases (e.g., matters involving potential fraud and waste with unexplained benefits going to contractors), whether any *conflicts of interest* appear to exist involving any parish officials or employees, such as blood or marital relationships, associations, or other affiliations, and disclose such associations and relationships.

Recommendation 8.

One Committee Member noted—concurred in by the other members—that the IOG individual interim reports were thorough, but at the same time quite lengthy, due in part to various sections having been repeated, some on multiple occasions. IG McClintock acknowledged the repetition process, explaining that the urgent need to make critical elements plainly evident (in some cases thereby repeated) in order to ensure that they are more difficult to miss or ignore. As the IG put it: “The Parish Council continues to struggle with post-report action. “

Appreciating this important motivation—particularly in light of the all-too-frequent failure to respond by various affected government departments or sections—the Committee suggests that the OIG make efforts to streamline the

reports where possible without truncating them or missing the imperative to prominently deliver the intended message.

4. **Conclusion**

The citizens of Jefferson Parish should make no mistake about it: The fact that the Review Committee has made recommendations and suggestions—and in some cases offered options—should not in any way be construed as criticism of the Parish’s very fine, dedicated and effective Inspector General or his staff. Candidly, the recommendations offered hereinabove do not signal flaws or weaknesses, but rather reflect the painstaking efforts of this Committee to search for potential avenues however small to make this office’s excellent reports even more effective.

The Inspector General and his staff of professionals were at all times responsive, candid, clear, helpful, and eager to provide whatever information we requested in order to make our first review more complete, accurate and effective. Our individual and collective gratitude is owed to that office, along with our dedication to work with the OIG and Parish Government branches to help improve quality of life in Jefferson.