

**THE SECOND ANNUAL
QUALITY ASSURANCE REVIEW
OF THE
JEFFERSON PARISH
OFFICE OF THE INSPECTOR GENERAL:
OIG 2019 REPORTS**

**BY
THE JEFFERSON PARISH
OFFICE OF THE INSPECTOR GENERAL
QUALITY ASSURANCE REVIEW COMMITTEE**

**John E. Benz, Chair
Duke McConnell
Jim Letten**

**Presented to
The Jefferson Parish Inspector General**

July 21, 2020

CC: The Jefferson Parish President

The Members of the Jefferson Parish Council

The Jefferson Parish Ethics and Compliance Committee.

I

Introduction

The undersigned members of the Jefferson Parish Office of Inspector General's Quality Assurance Review Committee (hereafter OIG Review Committee, Review Committee or Committee) are pleased to present to the Inspector General (hereafter OIG or IG), the Parish President, Council Members and the Ethics and Compliance Committee this, our Second Annual Review of the OIG's 2019 interim reports and that office's Annual Report.

We remain 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 both initially and through our re-appointments, by continuing to rely upon the three members of this committee to provide an objective view of—and make constructive recommendations on—the IG's 2019 reports.

Moreover, we value and appreciate this continuing opportunity to provide meaningful feedback and input in the form of findings, observations and, where appropriate, recommendations to help contribute to and enhance the continued quality of future OIG reports, processes, work product and positive outcomes—all in service to the government and citizens of Jefferson Parish.

The Committee's Mission and Goals

This is the second such report which the Review Committee has been tasked to produce. In 2019, the first year in which the Committee met and rendered a report, we had to *define* our mission and did so in the first report. That is to say, the three members of the Review Committee feel that in order to ensure that our service has abiding relevance and value, we are bound by the ongoing need and duty to understand and therefore define for the taxpayers what our continuing mission and goals consist of—and equally importantly, *what they do not*. Stated simply, we have unanimously determined that the contours of our mission and goals as stated in our inaugural 2019 report remain valid and appropriate.

It is therefore important to note that since the very formation of this Committee, we have recognized that 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 Parish 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 and does 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.

Moreover and perhaps most critically, we do so without regard to any external or self-serving personal interests, ideologies, philosophies or views.

To those ends, we reviewed and discussed the following:

II

OIG Responses to Recommendations in the Committee’s First (2018) Report

The OIG Review Committee notes that an essential component of the Quality Assurance Review Process is the goal of establishing and testing the consistent responsiveness of the Office of the Inspector General, in order to ensure that this most important office is willing to listen and itself be responsive and accountable to the citizens it serves—even as it works to ensure that those governmental components it monitors are as well.

We take great pleasure in reporting that this Inspector General and the office itself has been and remains since the very inception of the review process, not only responsive but scrupulously so—indeed to the extent that within just two weeks of the Review Committee’s first report delivered on May 10, 2019, the IG *responded to every one* of the 8 recommendations with a detailed response memorandum sent on May 24, 2019. In that response, the Inspector General recognized the Committee’s suggestions as a “series of meaningful and valued recommendations.”

As IG McClintock indicated, wherever possible these were acted on and adopted—and reported on almost immediately.

We note that this level and degree of transparency and responsiveness is exemplary and continues to resoundingly evidence an Inspector General and staff which are genuinely dedicated to the highest standards in terms of efficiency in responding to the needs of parish government and the citizens they serve.

Notably as stated, the Inspector General responded to all recommendations, and concurred/agreed with or otherwise accepted altogether six of the eight recommendations and accepted/agreed in part with the remaining two, with detailed explanations.¹

¹ See: Inspector General David McClintock’s memorandum of May 24, 2019 to the Quality Assurance Review Committee responding to all of the committee’s eight recommendations made in his report.

The accepted recommendations include:

Accepted Recommendation 1:

Agreeing with the Committee's first recommendation, (and as reflected in this year's Annual 2019 Report), the IG, in order to ensure enhanced security for members of his investigative and support staff, discontinued the publication of photographic images of that office's employees.

Accepted Recommendation 2:

The IG agreed with the Committee's second recommendation that the inclusion in IG reports of criminal case referrals made and outcomes, when feasible, will add additional value to any reporting. As such, said inclusion is reflected in the 2019 Annual Report.

Accepted Recommendation 3:

Accepting the Committee's third recommendation, the IG agreed that brief, separate reports with basic details of matters referred be provided to the Review Committee, Parish President, Parish Council and the public, containing the publication of any such recommendations made by the OIG which have been:

- Ignored all together;
- Rejected without dispute or explanation; or
- Were the subject of disagreement or dispute, or the relevant circumstances thereof.

Within two months of the recommendation, the IG met with the then newly-appointed Chief Operating Officer (COO) to discuss a number of reports which included discussions of recommendations believed to be helpful to the incoming COO.

The IG reported that the meeting was constructive and the information was well received, and further indicated in response to said recommendation that the updated report would be published in the form of a public memorandum.

Accepted Recommendation 4.

Once again, accepting the Review Committee's recommendation, the IG committed that his office would, if given the opportunity, fully support legislation amending the JP IG ordinance to mandate responses to findings and recommendations contained in the OIG reports.

Further, the IG noted that under the new Jefferson Parish administration, the concept of mandated responses was embraced by the Parish as it pertains to the Department of Internal Audit. Specifically, the IG noted that the language adopted in JPC02-165.5 (b) for Internal Audit could serve as a template for amendments to the OIG Reports.

Accepted (in part) Recommendation 5.

Recognizing the Review Committee’s observation that some matters which were the subject of negative observations or findings by the Inspector General or possibly subject to legitimate dispute, the IG accepted in part the suggestion that the OIG Review Committee confer to explore the possibility of alternative solutions which could conceivably identify possible issues while not providing overly negative opinions or pronouncements—so long as the potential for a resolution and explanation of such questioned practices remain unresolved and open to challenge and debate.... and suggested one additional solution in the form of an “agreed-upon corrective action plan” before any report is published.

Accepted (in part) Recommendation 6.

Once again, the Inspector General accepted in part the recommendation of one of the three Review Committee members that alternative solutions may be part of a debate or conversation in some instances, rather than making a report.

The IG additionally pointed out that the OIG “routinely provides options and does not do so in a manner that indicates their exclusivity to other solutions.”

Accepted Recommendation 7.

Here, the IG accepted the Committee’s recommendation that because the OIG assesses relationships and associations of many individuals under review, audit and investigation, triggering the evaluation of potential conflicts under prevailing ethical and professional standards—when evidence supports potential violations of law, those conflicts will be publicly reported.

Accepted Recommendation 8.

Acknowledging the Committee’s observation that OIG reports can be both complex and lengthy, the IG agreed to continue to work toward achieving a written product that can be easily comprehended by all audiences.

III

The Inspector General's 2020 Responses to the Committee's Questions for the Instant (2019) Report

Committee Q: *What does the JPOIG's authority consist of?*

IG Response: *The Inspector General responded that JPOIG is authorized by the parish pursuant to state enabling legislation (LARS 33: 9612–15.) This statute establishes investigative powers to include administering oaths, compelling attendance of witnesses for depositions, subpoenaing public and private records, and employing their own counsel when necessary.*

The Inspector General also provided the following information:

Specifically, the Parish further refined the parameters of the JPOIG within the Parish Code of Ordinances. (JPCO 2–155.10.)

*That ordinance section (7)(c), further provides that the **OIG is a law enforcement agency.** However, the Inspector General's office shall not normally act as a police force, unless deputized by the Sheriff with limited police powers. (According to the IG, this provision authorizing deputization has not been used, although the office has worked collaboratively on certain matters with JPSO in the recent past.)*

Committee Q: *To what extent does the JPOIG coordinate (or share information) with JPSO and/or other parish law enforcement offices?*

IG Response: *The Inspector General responded that his office coordinates and interacts with the Jefferson Parish Sheriff's Office under various scenarios, including referrals of investigations and conduct not under the OIG's authority or jurisdiction, and referrals of criminal conduct involving parish operations.*

In all, the IG (and his staff) enjoy very good communications and an equally good relationship with all levels of JPSO.

The Inspector General has reported that in those matters in which the Parish has made notifications to the OIG where the conduct may reasonably involve criminal acts, his office would contact JPSO regarding the issues and determine if collaboration would be desirable and appropriate.

The Inspector General also noted that he is not aware of a policy or process in place for requiring referrals from the JPSO to the JPOIG. However, he is also not aware of any issues

under the current administration in which notice in appropriate circumstances has not been made to his office.

The Inspector General has been very complementary of the Jefferson Parish Sheriff's office's professionalism and cooperation.

The Inspector General also noted that the Jefferson Parish Security Department has in the past provided the OIG with incident reports, even though no protocol exists requiring such referrals.

However, more recently, due to leadership changes in the Parish Security Department, the IG indicates that that his office has at times tried unsuccessfully to have the Security Department routinely forward incident reports for review.

Committee Recommendation: *As the IG maintains that all Parish Security Department incident reports should be routinely forwarded to the OIG for review as these reports contain information related to previously undetected fraud, waste and abuse or be relevant to matters currently under review by the OIG —the Parish Administration should consider enacting a protocol which would require that all such reports are provided by the Parish Security Department to the OIG.*

3. Committee Q: *How does the JPOIG de-conflict with other law enforcement entities, in order to avoid effort duplication of effort and resources and unintended interference?*

IG Response: *Consistent with the experience of a seasoned law enforcement professional, the IG noted that the process of de-confliction is in some cases a judgment call, and not necessarily a precise science.*

However, he stressed that whenever on any individual matter in which he or his team believe that there is sufficient substance to an allegation, and that allegation also could fall within another enforcement entity's jurisdiction, they will reach out to de-conflict.

In this process, the OIG will as a matter of course discuss the information that office possesses with other entities prior to taking actions to ensure that:

- 1. Any work performed by the OIG is not in conflict with the efforts of other agencies;*
- 2. Where appropriate, a joint or parallel endeavor is discussed and considered;*
- 3. The appropriate agency should proceed; or*
- 4. Where appropriate, efforts should be phased or staggered to avoid confliction (i.e., criminal investigation first, followed by administrative reviews.)*

IV

The Inspector General's 2019 Annual Report **Summary/Overview**

Having read, reviewed, analyzed and discussed the aforementioned reports, the Review Committee unanimously agrees that Inspector General David McClintock and his team continue to serve the public in a highly professional, thorough, ethical, and effective manner in arriving at and presenting the results of their investigations, positions, recommendations and monitoring reports with the primary goals of providing genuine transparency, thereby deterring and 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.

In our second consecutive year of Quality Assurance Review, the Committee—aside from recommendations, suggestions and possible options offered herein—once again congratulates and thanks the Inspector General and his staff on a job well done.

The JPOIG published 6 reports and 1 follow-up report which questioned the expenditure of a total of \$1,575,444 in taxpayer funds.

Additionally, there were 2 monitoring efforts which continued through 2019 that involve (1) a large lease of a public institution valued at \$563 million, and (2) the expenditure of \$53.1 million in BP settlement funds...and 1 position paper.

The OIG cases in question include the following:

2015-0003: Marrero Estelle VFC Company No. 1—Audit follow-up.

2016-0049: Transition Expenses-Elected Official...Questioned: \$119,214.

2019-011: Personnel Department-Determination of Eligibility... Questioned: Ethics

2018-0021: Jefferson Parish Greater New Orleans, Inc. Economic Development Services... Questioned: \$630,000.

2018-0028: Planning Advisory Board Member-Eligibility... Questioned: Ethics

2017-0022: Elected Officials Receiving Something of Value... Questioned: Ethics

2018-0007: Vehicle Tracking... Questioned: \$826,230.

Questioned Costs Total: \$1,575,444

In addition to the aforementioned questioned costs, the OIG monitored the handling of funds as follows:

- BP settlement funds-Deepwater Horizon... \$53,119,542.
- Hospital lease negotiations and monitoring...\$563,000,000.

Monitored Funds Total: \$617,694,986.

The IG's Recommendation Tracker:

Although the Review Committee, having reviewed and considered the Inspector General's reports and findings in the aforementioned matters, does not find it necessary to offer any criticisms or recommendations, we do note with extreme approval the positive result of the IG's acceptance of the Review Committee's recommendation from its First Annual Report (on the Inspector General's 2018 Annual Report published in March of 2019), resulting in a highly transparent, effective and *quick reference* summary matrix or "*Recommendation Tracker*" (Excel Spreadsheet Format) setting forth with great clarity a number of reporting results for each IG report.

As background, in the instant 2019 Annual Report, the IG has specifically noted the Review Committee's recommendation number 3 which sought to achieve "reporting and clarity with regard to the action, or inaction, by the Parish itself on the IG's recommendations."

Acting on the Committee's recommendation, the IG has compiled a single "*Recommendation Tracker*", which reflects each recommendation made and the subsequent responses (or absence thereof) of the recipients.

This *Recommendation Tracker* contains the following information, among other information:

- Questioned Costs;
- Post-Report Meeting (Y or N)
- The Total Number of *Potential* Responses (from relevant Parish officials)
- The Number of (*actual*) Written Responses
- The Number of Recommendations Made
- The Number of Recommendations Accepted
- The Number of recommendations *Accepted In Part*
- The Number of Recommendations *Rejected*

- The Number of “No Positions“ Taken ...and...
- The Number of Corrections Implemented

(That report may be accessed via www.JPOIG.net or via the following link: JPOIG Recommendation Tracker

In the collective opinion of the Review Committee, this comprehensive reporting process— together with the other implemented improvements—contributes significantly to an already highly-efficient, effective, and valued OIG reporting and tracking product.

Moreover, this efficient, easy-to-understand, at-a-glance *Recommendation Tracker*, while containing a tremendous amount of information, is also highly useful to the press, taxpayers and government officials alike in following the responsiveness of public representatives, officials, employees and departments which have ethical and legal obligations to serve altruistically, honestly, efficiently and transparently—thereby enhancing the accountability of Parish officials.

According to the IG in the current 2019 Annual Report:

- The project demonstrates that 32 reports have resulted in 164 recommendations.
- Of those 164 recommendations, the draft report process created 1355 opportunities for parish decision-makers to respond.
- Parish decision makers include department heads, the Parish President’s office, the seven Parish Council offices, and in some cases representatives from quasi-governmental entities.
- The 1355 opportunities to respond resulted in 231 written responses representing a 17% engagement level.

(Quality Review Committee’s note: The statistics refer to action and inaction *under the two previous administrations, and not the present administration.*)

Currently, the *Recommendation Tracker* reflects that of 234 responses: 104 (44%) accepted the recommendation; another 19 (8%) accepted in part the recommendation; 40 (17%) rejected the recommendation; and no position was taken for 71 (30%) of the recommendations.”

Further, in the opinion of the Review Committee, by implementing the Committee’s recommendation, the actions of the Inspector General and the global outcome of the Parish’s actions are clearly demonstrated. Corrective action was committed to or taken by some level of government in 85 of the 167 recommendations made, representing a 36% ratio.”

V

OIG Review Committee Questions

In the following categories, either the Committee as a whole, or individual Committee members, have raised questions or offered suggestions and options.

Committee Q: Regarding JPOIG mandate and funding, in the 2019 report, the Inspector General references the following provision of the Jefferson Parish charter:

- ***“There should be an office of Inspector General which will provide a full-time program of investigation, audit, inspections and performance review of parish government operations...”* Have all three functions been undertaken?
*Jefferson Parish Charter Section 4.09 Inspector General (A).***

IG Response: *The Inspector General reports that “funding levels are not sufficient to find all three mandated functions.”
(Previous reference to funding levels.)*

Committee Q: Did your office (JPOIG) ever receive funding—or allocation--for the third function listed in the report? (E. G., P.10 of 27 referencing the inability to establish and inspections and performance review section.)

IG Response: *No, the initial millage allocation was ½ mil and remain established at that level. The JPOIG intends to proceed with a request for renewal at the existing millage rate of ½ mil. in November of 2020. Additional funding can be sought in commitments from the Parish for general funds or additional millages.*

VI

Conclusion

For the second consecutive year of the Committee’s review, Inspector General David McClintock and his staff of professionals were at all times, accessible, responsive, candid, clear, helpful, and eager to provide whatever information we requested in order to make our second review more complete, accurate and effective.

Even more importantly and revealingly, the responsiveness of the IG and his office of outstanding professionals was demonstrated unfailingly—and swiftly—as can be seen in the IG’s response to last year’s recommendations *less than two weeks* following receipt of those—as well

as his continued availability to respond to any questions at any time despite the challenges of Covid19.

As citizens of Jefferson Parish, we the members of the Quality Assurance Review Committee have an interest—shared with all those who live and work here—in Parish government which is honest, efficient, transparent and responsive to the needs of all. The Office of the Inspector General continues to deliver 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 adequate distance and objectivity to enable it to effectively demand accountability and point out shortcomings in components and processes in need of repair when necessary.

We are grateful for and humbled by the honor and privilege to have the trust of the Parish and citizens we serve in this role—and we thank the Inspector General and his excellent team for their work, cooperation and outstanding public service. We commend and offer our gratitude to Inspector General McClintock and his entire staff for a job well done in service to us all.