STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
COMMISSION ON ETHICS FOR PUBLIC EMPLOYEES
BOARD OF ETHICS FOR ELECTED OFFICIALS
THE SUPERVISORY COMMITTEE FOR CAMPAIGN FINANCE

8401 United Plaza Blvd., Ste 200
Baton Rouge LA. 70809
(504) 922-1400

October 31, 1996

Mr. Karl Ingram
46482 Faye Lane
Hammond, LA 70401

Re: Ethics Commission Docket No. 96-270

Dear Mr. Ingram:

The Commission on Ethics for Public Employees, during the course of its October 22, 1996 meeting, declined to render the requested opinion as the Commission has not been provided sufficient facts upon which a specific advisory opinion can be based.

However, the Commission has instructed the staff to prepare and publish a general opinion detailing the application of the provisions of the Ethics Code to municipal inspectors who likewise attempt to engage in private inspections within the jurisdiction of their municipality.

In due course, we will provide you with a copy of the Commission's general opinion.

Yours truly,

R. Gray Sexton
For the Commission

EC:RGS:lhr

COMMISSION ON ETHICS FOR PUBLIC EMPLOYEES

Date: November 14, 1996 Opinion No. 96-270

RE: Propriety of municipal and parish building inspectors receiving compensation from private lending institutions for performing inspections of buildings within their own jurisdiction

The Commission on Ethics for Public Employees is authorized by Section 1134(6) of the Code of Governmental Ethics to render advisory opinions and by Section 1134(11) of the Code to make recommendations to governmental agencies and to public servants with respect to the provision of the Code within the Commission's jurisdiction.

I.

BACKGROUND

The Commission has received information that municipal and parish building inspectors may be performing inspections for private lending institutions for compensation on buildings located in the inspectors' own jurisdictions. According to the information received, these inspections performed for the private entities include some of the same considerations as those inspections performed by the inspectors while fulfilling their public duties. In other words, it is possible that an inspector who has inspected a construction project in his capacity as a public employee may also perform the same inspection as an employee for a private entity.

II.

OPINION

The Code of Governmental Ethics contains provisions prohibiting the receipt by public servants of compensation from a nonpublic source under certain circumstances. Section 1111C(1)(a) of the Code contains a restriction against any public servant receiving any thing of economic value from a nonpublic source for any service that is "devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated".

It is the opinion and the conclusion of the Commission that this provision is violated by the described activity of public building inspectors receiving pay from private sources for providing inspections of buildings located within their jurisdiction. By performing these inspections, a public inspector is receiving "a thing of economic value" for performing a service which is "devoted substantially to the responsibilities" of the inspector's agency.

Accordingly, Section 1111C(1)(a) of the Code prohibits such private inspections. However, the Commission notes that nothing in the Code prohibits these building inspectors from performing private inspections on buildings outside of their jurisdiction provided that the person compensating the inspector is not otherwise a prohibited source of income pursuant to Section 1111C(2)(d) of the Code and that the private services do not interfere with the inspector's public duties.

The purpose of this opinion is to ensure that these violations of the Code of

Governmental Ethics do not occur in the future. The Commission encourages all public building inspectors to comply with the provisions of the Code and cease the practice of receiving compensation for the performance of inspections within their jurisdiction for private entities. Subsequent violations of the Code will be dealt with by the Commission pursuant to the enforcement and penalty provisions contained in the Code.

Absent and Did Not Participate
Robert C. Snyder, Chairman

s/Thomas W. Barham
Thomas W. Barham, Member

s/Victor Bussie
Victor Bussie, Member

s/Avis Baker-White
Avis Baker-White, Member

Absent and Did Not Participate
Cary S. Goss, Member

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DEPARTMENT OF STATE CIVIL SERVICE
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September 25, 1996

8401 United Plaza Blvd., Ste 200
Baton Rouge LA. 70809
(504) 922-1400

Mr. Karl R. Ingram
46482 Faye Lane
Hammond, LA 70401

RE: Ethics Commission Docket No. 96-270

Dear Mr. Ingram:

The Commission on Ethics for Public Employees, at its September 19, 1996 meeting, considered your request for an advisory opinion regarding local public building inspectors conducting inspections for banks and other lending institutions.

Based on the limited information available, the Commission declined to render the advisory opinion at this time; rather, the Commission instructed the staff to obtain additional information regarding your request.

An investigator from this office will be contacting you in the near future to obtain that needed information. In the meantime, if you have any questions, please feel free to contact me.

Sincerely,

COMMISSION ON ETHICS FOR
PUBLIC EMPLOYEES

Patricia H. Douglas
For the Commission

EC:PHD:tvg