

**CITY OF NEW ORLEANS
OFFICE OF INSPECTOR GENERAL**

525 St. Charles Avenue
New Orleans, La 70130-3409
504-681-3200



August 4, 2008

Penya M. Moses-Fields, City Attorney
New Orleans City Hall
1300 Perdido Street, Room 5E03
New Orleans, LA 70112

Dear Ms. Moses-Fields:

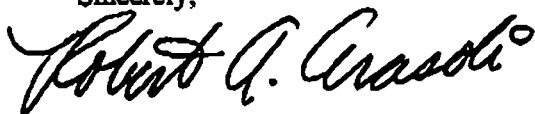
You have asked me to advise you whether to respond to public records requests relating to New Orleans Affordable Homeownership, citing provisions contained in Chapter 2 of the Code of the City of New Orleans and La. R.S. 33: 9614. The provisions cited in your letter require this Office to maintain the confidentiality of matters under investigation and exempt this Office from disclosure requirements under the public records law. These provisions do not, however, confer a confidential status on records maintained by other public bodies that are routinely subject to disclosure requirements under La. R.S. 44:1 *et seq.* and therefore have no relevance to the City of New Orleans' obligation to respond to public record requests. The public records law embodies a constitutional guarantee and strong public policy favoring openness in government and must therefore be construed liberally in favor of public access to information.

You have requested that this Office communicate directly with you upon initiating investigations. The Office of the Inspector General is operationally independent from the legislative and executive branches of the City, including the City Council, and the Office of the Mayor. Operationally independent is defined in the ordinance as "not preventing, impairing, or prohibiting the Inspector General from initiating, carrying out, or completing any audit, investigation, inspection, or performance review." Communicating to the City's law department its intention to initiate an investigation would be inconsistent with the Office's role and statutory responsibilities and accordingly, we will not do so.

The City's Code of Ethics requires city officials and employees to respond expeditiously to public records requests and failing to do so could expose such employees to penalties. Any citizen or member of the press who has been denied timely access to public records has the right to file an ethical complaint with the City's Ethics Review Board.

In summary, the legal rules applicable to the conduct of this Office's investigations do not alter the public's right of access to public information or your legal and ethical responsibility to provide access and to counsel your clients to provide such access.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Cerasoli". The signature is written in a cursive style with a small circle at the end of the last name.

Robert A. Cerasoli
Inspector General