
LOS ANGELES CITY ETHICS COMMISSION
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For Immediate Release: November 6, 2015

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**EXECUTIVE DIRECTOR FINDS PROBABLE CAUSE
AGAINST LEWIS JAMES PARKER III**

The Ethics Commission's Executive Director has determined that probable cause exists to believe that Lewis James Parker III (Parker), who previously served as a Sergeant with the Los Angeles Police Department, violated the City's governmental ethics laws by misusing his City position and improperly disclosing confidential information.

The attached public accusation was issued today by the Ethics Commission's Director of Enforcement. It details the laws that were allegedly violated and sets forth the acts or omissions with which Parker is charged.

Following a finding of probable cause, the Executive Director must make a public announcement of the accusation issued by the Director of Enforcement. The Ethics Commission then has the responsibility to determine whether the alleged violations occurred, and, if so, what penalty should apply.

The charges against Parker go now to the members of the Ethics Commission for a procedural determination about how it will choose to hear the matter. The maximum penalty that the Ethics Commission may levy in this matter is \$5,000 per violation.

Parker is presumed innocent of any violation, unless the violation is proved in an administrative hearing held pursuant to Los Angeles City Charter section 706(c). The Ethics Commission and its staff may not comment on an enforcement matter until after a final determination has been made.

The Ethics Commission was created by Los Angeles voters in 1990 to impartially administer and enforce the City's governmental ethics, campaign financing, and lobbying laws.

SERGIO PEREZ (SBN 274798)
Director of Enforcement
LOS ANGELES CITY ETHICS COMMISSION
200 North Spring Street
City Hall – 24th Floor
Los Angeles, California 90012

**BEFORE THE BOARD OF THE
LOS ANGELES CITY ETHICS COMMISSION**

In the Matter of:)	Case No. 2015-02
)	
LEWIS JAMES PARKER III;)	ACCUSATION
)	
Respondent.)	
)	

The Los Angeles City Ethics Commission (Ethics Commission) is required to investigate and enforce against violations of City law relating to campaign financing, lobbying, conflicts of interests, and governmental ethics. Los Angeles City Charter (Charter) § 706.

On July 27, 2015, a probable cause report was served on Lewis James Parker III (Parker), who previously served as a Sergeant with the Los Angeles Police Department (LAPD). Responsive pleadings were filed on August 17 and August 27, 2015. Parker did not request a probable cause conference.

On October 13, 2015, the Executive Director of the Ethics Commission, acting pursuant to her authority under Charter § 706(b) and Los Angeles Administrative Code (LAAC) § 24.25(c), found probable cause to believe that Parker violated the City's governmental ethics laws. Specifically, the Executive Director found that there is probable cause to believe that Parker misused his City position to create a private advantage for himself and improperly disclosed confidential information acquired in the course of his City employment. A finding of probable cause is not a finding that a violation occurred. LAAC § 24.26(c)(1)(C). Parker is presumed to be innocent unless a violation is proved in a public administrative hearing. LAAC § 24.26(d)(4)(A).

This accusation is prepared and issued by the Director of Enforcement following the probable cause determination by the Executive Director, pursuant to Charter § 706(b) and LAAC §§ 24.26.(d)(1)-(3). The allegations described below must be announced publicly no later than ten days after this accusation is served on Parker, unless the parties execute a settlement agreement during that time period. LAAC § 24.26(d)(4).

A. APPLICABLE LAWS

The Ethics Commission is charged with the impartial and effective administration, implementation, and enforcement of the City's governmental ethics laws. Charter §§ 702, 706. The Governmental Ethics Ordinance (GEO) (Los Angeles Municipal Code (LAMC) §§ 49.5.1 *et seq.*) was enacted to accomplish a number of purposes, including ensuring that the City's processes promote fairness and equity for all and helping to restore public trust in governmental and electoral institutions. LAMC §§ 49.5.1(C)(2), (7).

Two of the laws designed to foster the GEO's goals are at issue in this case. The first prohibits City employees from misusing or attempting to misuse their City positions or authority to create or attempt to create a private advantage or disadvantage of any kind for any person. LAMC § 49.5.5(A).

The second prohibits City employees from misusing or disclosing confidential information acquired as a result of their City service. LAMC § 49.5.3. Confidential information is information that is not subject to disclosure under the California Public Records Act. LAMC § 49.5.2(D); Cal. Gov't Code §§ 62529g), 6254(f).

The LAPD is a City agency which, along with its employees, falls within the jurisdiction of the Ethics Commission. The GEO defines an agency as any "City department, bureau, office, board, commission or entity required to adopt a conflict of interests code subject to City Council approval." LAMC § 49.5.2(A). The LAPD is required to adopt a conflict of interests code and has done so. It is, therefore, an agency. As employees of a City agency, LAPD officers are subject to all restrictions and prohibitions imposed upon agency employees by the GEO. Accordingly, LAPD officers who violate provisions of that ordinance are subject to enforcement action and may be held liable by the Ethics Commission for those violations.

B. SUMMARY OF ALLEGED FACTS

On September 11, 2014, Parker and a fellow officer responded to an emergency dispatch call regarding two individuals allegedly engaging in lewd conduct (the incident). Parker used an audio recording device to document the interactions between himself, his fellow officer, and the individuals who were the subject of the call. The individuals involved in the incident later publically accused Parker of racial profiling.

On September 15, 2014, TMZ, a national media outlet, published an article on its website regarding the incident. The article summarized the incident, identified Parker by name as the LAPD officer involved, quoted dialogue from the audio recording Parker made, and contained a link to "police audio." TMZ did not disclose the source of the audio in the article.

On September 30, 2014, Parker attended a public meeting of the Board of Police Commissioners (Police Commission), at which he admitted that he provided the audio recording of the incident to TMZ and that doing so violated LAPD policy. He stated at the meeting that he released the audio recording to protect himself from allegations of racism.

C. SUMMARY OF ALLEGED VIOLATIONS

The Director of Enforcement alleges that Parker violated the GEO in the following ways.

Count 1: Misuse of Position or Authority

Parker violated LAMC § 49.5.5(A) on or about September 14, 2014, by misusing his City position to create a private advantage for himself through the unauthorized disclosure of confidential information.

Count 2: Disclosure of Confidential Information

Parker violated LAMC § 49.5.3 on or about September 14, 2014, by disclosing, without authorization, confidential information acquired in the course of his City employment.

D. ADMINISTRATIVE HEARING

Following a public accusation, a public evidentiary hearing must be held when the parties do not stipulate to the entry of an order, to determine whether the alleged violations occurred. Charter § 706(c); LAAC § 24.27. A respondent is presumed to be innocent of any violation unless the violation is proved at that administrative hearing. LAAC § 24.26(d)(4)(A).

If it is determined on the basis of substantial evidence that one or more violations occurred, the Ethics Commission must issue an order and may require Parker to, among other things, pay a monetary penalty of up to the greater of \$5,000 for each violation or three times the amount improperly reported or unlawfully contributed, expended, given, or received. *Id.*

DATED: October 27, 2015


SERGIO PEREZ
Director of Enforcement
LOS ANGELES CITY ETHICS COMMISSION