

**Philadelphia Board of Ethics
Meeting Minutes**

August 6, 2014 - 11:30 a.m.

One Parkway Building
1515 Arch Street, 18th Floor

Board Present

Michael H. Reed, Esq., Chair
Judge Phyllis Beck (Ret.), Vice-Chair
Sanjuanita González, Esq.
Brian J. McCormick Jr., Esq.

Staff Present

J. Shane Creamer, Jr., Esq.
Nedda Massar, Esq.
Maya Nayak, Esq.
Michael Cooke, Esq.
Elizabeth Downey, Esq.
Jordan Segall, Esq.
Elizabeth Baugh
Bryan McHale
Tina Simone

Chair Reed recognized the presence of a quorum and called the meeting to order at 11:35 a.m.

Board Member Brian McCormick, Jr. Esq. participated in the meeting by telephone.

I. Hearing Report for Amendments to Board Regulation No. 2

Mr. Cooke presented a draft hearing report that staff had prepared following the Board's July 21, 2014 public hearing concerning amendments to Board Regulation No. 2 (Investigations and Enforcement Proceedings). The draft hearing report addressed hearing testimony from Board staff and Mr. Adam Bonin, Esq. and, in response to that testimony, proposed several changes to the Regulation. Mr. Cooke advised that the Law Department had reviewed the draft hearing report and the final version of the proposed amendment and had preliminarily advised that both were within the Board's authority and did not conflict with any other law, including the First Amendment to the U. S. Constitution.

After Mr. Cooke completed his presentation, the Board asked for comments from Mr. Bonin. Mr. Bonin requested that the word "solely" be added to the Regulation at Paragraph 2.11(a) before the words "from the Board or Board staff."

The Board, staff, and Mr. Bonin discussed the ability of a subject of an investigation to challenge the conduct of Board enforcement staff and the opportunity for judicial review of Board subpoenas. Chair Reed said that he believed that the proposed Regulation struck the proper balance between the ability of a subject of an investigation to express concerns and the need to

protect the integrity and independence of Board investigations. Vice Chair Beck stated that she agreed with Chair Reed's analysis.

By a 4-0 vote, the Board approved the hearing report and the final version of the amendment to Regulation No. 2, with the addition of the word "solely" before the words "from the Board or Board staff." in Paragraph 2.11(a) of the Regulation. The Board also authorized Board staff to make any non-substantive edits requested by the Law Department, but to consult with the Chair before doing so.

By a 4-0 vote, the Board rescinded Regulations No. 3 and 5, subject to the effectiveness of Regulation No. 2.

The public session of the Board's meeting was adjourned at 12:35 p.m.