

**Philadelphia Board of Ethics**  
**Meeting Minutes**  
May 16, 2012  
Board of Ethics  
Packard Building  
1441 Sansom Street, 2<sup>nd</sup> Floor  
1:00 pm

**Present:**

Board

Richard Glazer, Esq., Chair  
Judge Phyllis Beck (Ret.)  
William H. Brown, III, Esq.  
Sanjuanita González, Esq.

Staff

J. Shane Creamer, Jr., Esq.  
Nedda Massar, Esq.  
Evan Meyer, Esq.  
Michael Cooke, Esq.  
Maya Nayak, Esq.  
Elizabeth Baugh  
Tina Formica

**I. Call to Order**

Chair Glazer recognized that a quorum was present and called the meeting to order at 1:02 pm.

**II. Approval of Minutes**

By a 4-0 vote, the Board approved the meeting minutes, as printed and distributed, for the public meeting that was held on March 29, 2012. (The March minutes were approved at this meeting because the Board cancelled the April Board meeting.)

**III. Executive Director's Report**

## **A. Enforcement Update**

Mr. Creamer announced that the Board has approved the following settlement agreements involving the following candidates, political committees, and treasurers of political committees:

1. Friends of Jannie Blackwell and Councilwoman Jannie Blackwell, resolving violations of the campaign finance law for accepting four excess contributions in 2011. The Friends of Jannie Blackwell and Councilwoman Jannie Blackwell have agreed to pay a civil penalty of \$3,250.
2. Friends of Bill Rubin and Bill Rubin, resolving violations of the campaign finance law for accepting two excess contributions in 2011. The Friends of Bill Rubin and Bill Rubin have agreed to pay a civil penalty of \$700.
3. Bricklayers and Allied Craftsmen Local 1 PAC, resolving violations of the campaign finance law for making an excess contribution to a City candidate in 2011. The PAC has agreed to pay a civil penalty of \$1,000.
4. Steamfitters Local Union 420 PAC, resolving violations of the campaign finance law for making an excess contribution to a City candidate in 2011. The PAC has agreed to pay a civil penalty of \$1,000.
5. Genesis IV PAC, resolving violations of the campaign finance law for making two excess contributions to City candidates in 2011. The PAC has agreed to pay a civil penalty of \$2,000.

## **B. Litigation Update**

### **i. McCaffery v. Creamer, et al.**

Mr. Creamer reported that on April 3, 2012, Judge Bernstein denied the motion for summary judgment we had filed on December 13, 2011. Accordingly, the Board is proceeding with full discovery. The Board anticipates that litigation of this case will continue to consume significant amounts of staff time.

### **ii. Lodge No. 5 of the Fraternal Order of Police, et al. v. City of Philadelphia, et al.**

Mr. Creamer reported that dispositive motions in this matter are now due on May 16, 2012. The Board anticipates that both sides will be filing motions for summary judgment. Trial, should it be necessary, is scheduled for the August 13, 2012 trial pool. Staff continue to work with our counsel at the Law Department in defending the claims brought by the FOP challenging the constitutionality of the Home Rule Charter's ban on police contributions.

### **iii. Cozen O'Connor v. Philadelphia Board of Ethics**

Mr. Creamer reported that the parties have filed cross motions for judgment on the pleadings. The motions have been fully briefed and argument is scheduled for on May 29, 2012 before Judge Leon Tucker. In addition, a settlement conference has been scheduled for July 2, 2012.

### C. Lobbying Update

**Lobbying Advisory Alert:** Mr. Creamer reported that on April 23<sup>rd</sup>, the Board's General Counsel issued an Advisory Alert concerning lobbying expense reports for the first quarter of 2012. Under the Lobbying Code, the first lobbying expense reports were due to be filed no later than April 30<sup>th</sup> to report lobbying expenses from January 3<sup>rd</sup> through March 31, 2012. Because no progress was being made with the online filing system, staff had created an interim "fillable" paper expense report process similar to the interim lobbying registration process. The email Alert announced not only that the interim reports were available on our website, but also that the filing deadline had been extended from April 30<sup>th</sup> to May 30<sup>th</sup>. The Alert was sent to more than 350 interested individuals.

Mr. Creamer said that staff believed that the extension of the filing deadline was necessary and reasonable based upon Section 20-1203(1) of the Lobbying Code which provides a 30-day period to complete an expense report. Because the interim form was delayed by more than three weeks, it was appropriate to extend the filing date to May 30<sup>th</sup>.

**Lobbying Software Project:** Mr. Creamer informed the Board that the Office of Innovation and Technology asked Board staff to assess whether or not the version of the Philadelphia Lobbying Information System (PLIS) that was presented to OIT by the vendor (Perficient) was acceptable and met the requirements of the Lobbying Code. In response, Board staff advised OIT that they were only able to conduct limited testing of the software developed by Perficient and determined that the software was incomplete and that essential features were often nonfunctional. In fact, Board staff could not follow a single lobbying registration or expense report completely from creation through to availability of information to the public. OIT has decided not to continue the lobbying project with Perficient and staff will have to develop a new approach to the lobbying software.

Mr. Creamer explained that the Board was asked about the status of the lobbying project at their budget hearing on April 10<sup>th</sup>. Adel Ebeid, the City's Chief Innovation Officer, responded that OIT was considering three possible ways to complete the project. The Board could: borrow and build on a system from another jurisdiction, possibly New York City; issue an RFP and "pursue another vendor"; or complete the project "in-house" with OIT resources.

Mr. Creamer said that Mr. Ebeid was asked how long the process would take and gave an estimate of four months "for a capable vendor to produce a solution." Staff has reservations about the four-month estimate and is also very concerned that they are again faced with the same fiscal problem as before. There is no appropriation in our FY13 budget to pay for any portion of the complex lobbying electronic filing software.

Mr. Creamer stated that staff will therefore meet with OIT in the very near future to determine which of these options will be pursued and how it will be financed. The Board staff has spent considerable time testing and documenting the unsuccessful year-long project with Perficient, and they are now starting over to explore alternatives for the online lobbying registration and reporting system. Staff is currently evaluating websites in other jurisdictions which might serve as suitable models for the Philadelphia system. Staff cannot afford to waste any more time on this overwhelming task.

**Outreach:** Mr. Creamer reported that staff continues to respond on a daily basis to lobbying questions. Staff is also scheduled to provide another overview of the Lobbying Code to the Philadelphia members of the Council of Children, Youth and Family Services on May 24<sup>th</sup>. These overview sessions are different from and not intended as a substitute for the mandatory training for lobbying registrants. In light of the delay in the software project, staff will reevaluate their plans for mandatory lobbying training, as required by the Lobbying Code.

#### **D. Office Move**

Mr. Creamer reported that the lease on this office space will end June 30<sup>th</sup> and the City's Public Property Office has decided that the Board will move to office space on the 18<sup>th</sup> floor of 1515 Arch Street, One Parkway Building. The move will take place either on Thursday night, June 21<sup>st</sup> or Friday, June 22<sup>nd</sup>. Because staff will be packing during the week of June 18<sup>th</sup>, we would appreciate it if the Board would move its June 20<sup>th</sup> meeting to June 13<sup>th</sup>. If the Board approves, we'll publish the change as required by the Sunshine Act and announce the change on the Board's website.

By a 4-0 vote, the Board decided to reschedule the June Board meeting from June 20<sup>th</sup> until June 13<sup>th</sup>.

Mr. Creamer explained that unlike the office space here, the rooms that are large enough for monthly Board meetings near the new office space are shared with other agencies and none is dedicated to our use. So, there are scheduling issues for two of the remaining Board meetings in 2012, the October 17<sup>th</sup> and December 19<sup>th</sup> meetings. The large meeting space on the 18<sup>th</sup> floor is not available at the Board's normal 1:00 starting time, but it is available from 11:00 to 2:30. If the Board approves a change in time for these two meetings, staff will publish the changes and announce the revised schedule on our website.

By a 4-0 vote, the Board approved rescheduling the time for the October 17, 2012 and December 19, 2012 meetings from 1:00 pm until 11:00 am, and moving the location of the meetings from July through December to 1515 Arch Street, 18<sup>th</sup> Floor.

Mr. Creamer said that staff also recommends that the Board approve a 2013 meeting schedule today, instead of waiting until later this year, as has been done in the past. That way, staff can begin now to reserve the appropriate meeting space on the 18<sup>th</sup> floor. In your Board materials, we've included a proposed 2013 schedule with meetings beginning at 1:00 on the third

Wednesday of each month. If the Board approves the schedule, staff will immediately reserve meeting space on the 18<sup>th</sup> floor and then publish the 2013 meeting calendar later this year.

By a 4-0 vote, the Board approved the 2013 schedule, as follows:

January 16, 2013  
February 20, 2013  
March 20, 2013  
April 17, 2013  
May 15, 2013  
June 19, 2013  
July 17, 2013  
August 21, 2013  
September 18, 2013  
October 16, 2013  
November 20, 2013  
December 18, 2013

Mr. Creamer said that staff is hoping to keep our existing phone numbers, but will most likely be without phones and computers from June 20<sup>th</sup> through June 25<sup>th</sup>. Staff estimates that it will be very difficult to conduct “business as usual” from June 18<sup>th</sup> through the 26<sup>th</sup> and wishes to advise the Board that staff will have to significantly scale back all of their normal services during that period of time.

#### **E. Training**

At the meeting in March, Mr. Creamer said he advised the Board that staff received an opinion from the City Solicitor concerning the employment status under the Home Rule Charter of certain employees assigned to work for the City Controller, but whose salaries are paid by the School District of Philadelphia. Mr. Creamer asked for the opinion to determine whether the Ethics Board has jurisdiction over these employees under the Charter and Code, which generally apply to any “officer or employee of the City.”

Mr. Creamer explained that the Solicitor concluded in her opinion that the employees in question “are City employees, entitled to the rights and subject to the duties of City employees generally.” This means that the employees in question are subject to both the City’s Ethics Code and the political activity restrictions in section 10-107 of the Charter. As he explained in March, he believes that the ethics rules administered and enforced by the Board should be applied to these individuals prospectively only and not retroactively. Staff therefore immediately reached out to the Controller’s Office to offer training for the affected employees. Staff is pleased that they have already attended an ethics training session in our office.

Mr. Creamer noted that the Controller’s Office took steps - even before the ethics training session - to ensure that the affected employees comply with the ethics rules, including the political activity restrictions.

Chair Glazer asked how many employees were trained.

Ms. Massar explained that 4 of the 5 employees that needed training were trained.

Mr. Creamer noted that two employees were involved in potential political activity, but the Controller took steps prior to the general election to ensure his staff wasn't involved in political activity. He should be commended for his efforts to accelerate compliance with the rules.

#### **F. Financial Disclosure**

Mr. Creamer reported that in cooperation with the Records Department, Board staff again administered the financial disclosure process for City officials and employees and the members of City boards and commissions. The filing deadline was May 1<sup>st</sup>. There are three financial disclosure forms that may be filed, depending on an employee's position or membership on a City board or commission: the City Form (required by the City Ethics Code), the Mayor's Form (required by an executive order), and the State Form (required by the State Ethics Act). Several of the Board's staff members are involved in the many tasks necessary to implement the financial disclosure process.

Mr. Creamer explained that staff issued email filing reminders to approximately 6,000 City employees and more than 500 members of boards and commissions in early and late April. Staff also mailed reminder letters to 490 former employees who are required to file this year. The telephones started to ring off the hook once the reminders went out. Staff fielded more than 450 calls about financial disclosure during April. These calls concern not only the contents of the reports, but also how to use the online filing system. Tina, Hortencia and Elizabeth take most of the calls and are always incredibly helpful.

Mr. Creamer said that for the past several years, at the conclusion of each financial disclosure season, staff has met with the Records Department staff and the vendors who manage the online filing system to "de-brief" and create a list of changes and enhancements for the following year. Staff plans to repeat that process this year.

#### **G. FY13 Budget**

Mr. Creamer reported that the Board's proposed operating budget for FY13 is \$898,000. This represents a continuation of our \$810,000 budget for FY12, and anticipates transfer of an additional \$88,000 from the Fund for Philadelphia. The result is an appropriation of \$788,000 to Class 100 for Personnel; \$96,000 for services; and \$14,000 for materials, supplies, and equipment.

Mr. Creamer explained that Richard testified at the Board's budget hearing on April 10<sup>th</sup>. Chair Glazer reported on the Board's many accomplishments during the past year and reiterated the need for additional staff to support the demands of our statutory mandates, including the new Lobbying Code. The Board again acknowledged the crucial role played by the Dechert firm in providing *pro bono* representation of the Board in litigation during the past year.

## **H. Annual Report**

Mr. Creamer reported that staff circulated a draft of the 2011 Annual Report to the Board. It is staff's goal to complete the Report and circulate it to the Mayor and Council in early June.

## **I. Art in the Office**

Mr. Creamer announced that there is a new exhibit in our office entitled "Spring Awakening." This is the final art exhibit before the move, and staff doesn't know yet whether the Board is able to have similar exhibits in our new space. The current exhibit features the paintings and works on paper of Stella Untalan, Linda Dubin Garfield, Lorraine Glessner and Mary Kane. It will be on display until May 30.

Mr. Creamer said that the Board is grateful to Ed Bronstein, a Philadelphia artist and architect, who began our Art in the Office program in 2009 with his collection entitled "Home and Away." The Board had no idea that Ed's exhibit would begin this delightful program. Since then there has been eight other exhibits which included traditional and contemporary pieces, photographs and prints, portraits and landscapes. The Board's staff and visitors have enjoyed each exhibit. Once the Board is settled into their new space, they will explore the possibility of continuing these wonderful exhibits.

Mr. Creamer noted that the "Spring Awakening" artists held a reception on April 17<sup>th</sup> and honored Ed Bronstein for starting this unique program.

### Questions and Comments from the Board

Judge Beck asked if the City will undertake the financing for the software.

Mr. Creamer explained that it will be funded through OIT. The Board doesn't have any money in its budget for the software.

Mr. Brown asked if there will be more money for staff in the FY13 budget.

Mr. Creamer explained that the Budget is set, but has not yet been approved by City Council.

Chair Glazer said that at the Board's request he asked for \$120,000 for additional staff members at the Board's budget hearing.

Mr. Brown asked if the Board is responsible for the cost of the office relocation.

Ms. Massar explained that the Board doesn't have to pay for movers, but has to order some new panels for the cubicles. She doesn't expect to have to pay more than \$4,000 for those items.

#### IV. General Counsel's Report

**Note:** *Since there was no April meeting, this report covers two months of activity since the March report.*

1. **Formal Opinions.** Mr. Meyer reported that there were no Formal Opinions since the March report.

2. **Advices of Counsel.** Mr. Meyer reported that there were three Advices of Counsel since the March report.

a. Nonpublic Advice of Counsel GC-2012-503 (April 18, 2012). A requestor with prior service both for a nonprofit and the City requested a nonpublic advisory regarding any restrictions that may be placed on him by the ethics laws in seeking future employment and in engaging in such employment in the period after he separates from the City. As the requestor left service prior to issuance of the Advice, the Advice gave only the standard post-employment advice.

b. Nonpublic Advice of Counsel GC-2012-504 (April 23, 2012). A lobbyist who had been quoted in a news article asked about the implications under the Lobbying Code. The issue is whether the lobbyist's principal--in filing the quarterly expense report for the First Quarter of calendar year 2012--must include the lobbyist's reported comments, in providing information concerning indirect communications concerning certain matters being lobbied, pursuant to Paragraph 9.15(C) of Regulation 9.

The news article, in reporting very briefly on the lobbyist's comments, is a combination of quotes, partial quotes, paraphrases, and the reporter's characterization of the views of various parties, also including several public officials. In the 78-line article, the entire discussion of the lobbyist's comments consumed only about ten lines and quoted 49 words of the lobbyist, which were almost exclusively addressed to the likelihood of the issue arising again, rather than any discussion of substance.

On review of the supplied facts, the requestor was advised that the comments of the lobbyist, as reported, did not constitute "An effort . . . to encourage others . . . to take action," particularly not such that it has the foreseeable effect to "directly influence legislative action or administrative action." Accordingly, the news article, in itself, does not require any relevant principal of the lobbyist, in filing the quarterly expense report, to provide information concerning matters being lobbied.

c. Advice of Counsel GC-2012-505 (May 7, 2012). Councilman Dennis M. O'Brien requested an advisory opinion as to whether the ethics laws would permit him to send a solicitation letter to businesses in and serving the Northeast section of the city, soliciting sponsors for a race to benefit local youth sports organizations. Given the facts provided, that the Councilman has no financial or management interest in any of the organizations that would receive donations, and will not be acting as the agent of any organization, he was advised as follows:

Charter Section 10-100 and Philadelphia Code Section 20-602(1)(a) do not restrict this activity. The facts presented do not identify a conflict of interest under Code Section 20-607. Nor does there appear to be an issue under the State Ethics Act, but the State Ethics Commission is the entity with jurisdiction over the Act.

Advice of Counsel Nos. GC-2012-503 and GC-2012-504 are currently available on the website of the Board of Ethics. Advice of Counsel GC-2012-505 should be available soon.

**3. Informal e-mail guidance.** Mr. Meyer reported that through Thursday, May 10, 2012, there were fifteen of these since the March report, issued either by myself or Associate General Counsel Maya Nayak. *Note that in every such email we state the following: “This informal general guidance is not a ruling on your particular situation and does not provide you protection from an enforcement action.” We add that if the requestor would like a definitive ruling that applies the Public Integrity Laws to his/her specific situation and that protects against a possible enforcement action, then they should ask us for an advisory opinion, providing, in writing, full and specific facts on which the opinion is to rely, including their name and title, specific question, and whether they are requesting a public or nonpublic advisory.*

a. Received an inquiry from a City employee who will be retiring soon and is looking into future employment opportunities in her current field and asked about restrictions on her post-employment activities as a vendor.

We provided the standard summary of the post-employment rules, including links to a recent Advice of Counsel on point and to a “plain language” summary in a newsletter, both links to our website.

b. Received an inquiry from a City employee regarding outside employment and serving as a treasurer of a PAC. We provided a summary of the outside employment rules, including links to two Advices of Counsel on point. Noted that the Charter’s political activity restrictions prohibit City employees from serving as a treasurer of a political committee, and cited to relevant provisions in Board Regulation 8.

c. Received an inquiry from a City employee regarding representing his City office on the board of a nonprofit, where the nonprofit expects certain gifts or fundraising by its board members. Advised that where the board seat is a “City” seat, it would seem odd for the City to agree to such a requirement. We were later advised that the employee would tell the nonprofit that the employee would not agree to the requirement.

d. Received an inquiry from a City employee who serves on boards of several nonprofits. The employee inquired whether he may donate a “behind the scenes” tour of his City workplace to a silent auction fundraiser for one of the nonprofits. We advised that, under the State Ethics Act, doing what is essentially your job in exchange for money that would go (at your direction) to a nonprofit on whose board you sit might well be viewed by the State Ethics Commission as either a prohibited honorarium or a prohibited conflict of interest. We also suggested that the employee may wish to check with the Chief Integrity Officer, Joan Markman, to see how the

Mayor's executive order on outside employment and other Executive Branch policies might apply.

e. Received an inquiry from a City employee who advised that she completed an employment form for a former employee (how long employed, any reason why he should not be considered for new employment, etc. ) The former employee sent a thank you, which contained a check. The requestor advised that she will be returning the check to him, but asked, "Do I have to make a report of this?"

We advised: "As far as the Board of Ethics is concerned, returning the check is sufficient, under the laws over which we have jurisdiction. There is a Mayor's Executive Order on gifts that has some provisions relating to return of gifts. I am not sure whether that Executive Order applies. Executive Orders are interpreted by the Office of the Chief Integrity Officer."

f. Received an inquiry from a director of a nonprofit corporation inquiring about "the rules for hiring former City employees." We provided the standard post-employment summary that we provide at least once a month to some requestor.

g. Received the following inquiry:

My question is if someone retired on disability (not service connected) and they've found a way to control their disability, can they come back to work? in the same capacity as when they left?

We advised as follows:

This does not seem to be a question under the Public Integrity Laws, and thus may be out of our jurisdiction. If you are referring to being hired back out of retirement as a re-employed employee, there is no ethics rule that would apply. What positions the City may be willing to offer you, what would be the procedure, what rights you may have under the City's pension system or under the Civil Service Regulations are all questions out of our jurisdiction. I would suggest that you contact the HR office at your former City department.

The rule that some people are aware of is a provision of the State Ethics Act that restricts a former governmental employee from executing a contract as an independent contractor with their former governmental body, within one year of separation. If that is what you are talking about, and not being rehired as a regular employee, please let me know.

h. Received a three-part inquiry, which we answered as follows:

1. *Is PHA included in the regulation?* The legal question here is what is an "agency" under the lobbying law, since lobbying includes attempts to influence administrative action of an "agency." Thus, you need to know whether PHA is an "agency" so that you know

whether your contacts with PHA that constitute lobbying require registration and reporting. "Agency" is defined in the Lobbying Code. The relevant part of the definition is Code subsection 20-1201(3)(b), which includes the following:

The Philadelphia Industrial Development Corporation, the Philadelphia Authority for Industrial Development, the Redevelopment Authority of the City of Philadelphia, and any other entity that meets the definition of a "City-related agency" under Section 17-1401(9).

I conclude that PHA is substantially similar to the two other authorities specifically mentioned in the definition, PAID and the RDA, so my suggestion would be that you consider PHA to be an "agency," and include any lobbying of PHA in calculating whether your organization needs to register for any particular quarter.

*2. If none of our employees individually meets the threshold of 20 hours/\$2500 per quarter, but organizationally we do, how do we handle that?* There are rules that apply to your organization as a principal, and rules that apply to those of your employees who do lobbying for your organization. I presume you are asking about these rules. (The rules that apply to lobbying firms and outside lobbyists do not seem to be part of your question.) It is also important to keep in mind that we use the word "thresholds" merely as a plain-language way to express what are really exemptions. Thus, if a principal or employee-lobbyist meets any exemption, that person or entity is exempt. In other words, if you have 3 employees who do lobbying for you, and each of them does less than 20 hours lobbying in the quarter **or** each of them is paid less than \$2500 for lobbying in the quarter, then all 3 are exempt and do not need to register that quarter. Again, if you meet any exemption, then you are exempt. However, if, say, you paid each of the employee-lobbyists \$1000 for lobbying in the quarter, that would total \$3000 for your entity as principal, and your entity would not be exempt and would need to register as a principal, disclosing all lobbyists--even the employees who are themselves exempt--and otherwise reporting as required of all registered principals. (The "20 hours" exemption does not apply to principals.)

*3. If I attend a meeting at which my organization is engaging in lobbying, but I have not participated in the preparation for the meeting and do not participate in the "ask" (play more of an observer role), does the time I spent in the meeting count as lobbying?* I would say that your salary for that period of time was part of the lobbying expense and should be reported. I have certainly been in meetings where the sheer number of people on one side, even if they said nothing, tended to influence, and "lobbying" is an attempt to influence. Therefore, the answer is yes, if you are accompanying co-workers in a lobbying effort, you are also lobbying.

i. Received an inquiry from a departmental HR manager regarding eligibility for hire of an officer of a nonprofit with a City contract. Provided a link to Nonpublic Advice of Counsel GC-2012-502, which addresses all relevant outside employment issues for an officer of a nonprofit.

j. Received an inquiry from a departmental HR manager regarding a board/commission member faced with an advisory action affecting the financial interest of a nonprofit controlled

by a local educational institution. The board/commission member advised that his/her family receives financial aid from the school. We advised that this connection between official action and the financial interests of the official was too remote to constitute a conflict of interest, and no disclosure or disqualification was required.

k. Received an inquiry from a City employee regarding outside employment as a member of a board of a nonprofit and soliciting charitable contributions to the nonprofit. Provided links to prior advisories GC-2012-502 and GC-2011-505. On a follow-up question, advised on appearance issues with soliciting funds from entities subject to the official/employee's official actions, conflict and representation rules of City Code, and no-bid contract disclosure rules for bidders that had been solicited by City officials.

l. A registered lobbyist informed us that he/she had been listed as a "host" on an invitation that went out inviting people to a political fund-raiser, and was concerned about the effect of the eContract rules on any principals the lobbyist may represent, who may later seek a City contract. Advised as follows:

Even if your name being on the host committee list on the invitation could somehow be construed as "asking" for a political contribution, the e-Commerce rules in Ch. 17-1400 apply either to:

- a) Actual political contributions, which must be disclosed and not exceed the limit (but not mere requests for contributions); or
- b) Asking for charitable contributions (but political contributions are excluded).

And neither of these is met merely by inviting someone to a political fund-raiser.

m. Received an inquiry from a departmental HR manager regarding an employee who is politically active, as a committeeman and "campaign volunteer" in another state. Advised as follows:

In general, Charter Section 10-107 applies to political activity anywhere in the U.S.; it is not limited just to Philadelphia or Pennsylvania. Although it doesn't say this explicitly in Regulation 8, it is clear from the various definitions, which generally refer to "any" office, "any" election, "any national, state, or local" political party, etc. See especially the definitions at subParagraph 8.1(g) and subParagraphs 8.1(l) through 8.1(q). So the restrictions would apply to political activity in other cities, counties, and states.

As to serving as a party committeeman, that is prohibited to any City employee under Paragraph 8.9 and Example 1 (and probably Paragraph 8.11, since those are activities that any committeeperson typically does).

As to serving as a campaign volunteer for a political campaign, that depends on the particular campaign activities and circumstances. For example, Subpart B of the Regulation

prohibits political activity while on duty or using City resources. Subpart C prohibits using one's City position for such purposes. Subpart D prohibits being in any way involved in campaign fund-raising. Subparagraph 8.11 prohibits any political activity "that is performed in concert or coordination with a political party, candidate, or partisan political group." I presume that being a "Campaign Volunteer" implies some coordination with the campaign, so would be prohibited. Acting on one's own to express support for a candidate may be permissible if none of the above restrictions are violated. See the permissible activity in Subpart F of the regulation.

n. Received the following query from a City employee:

I have never filed a financial disclosure before, I'm a labor crew chief do I need to file one now and why

Provided a link to the Financial Disclosure FAQs on our website and pointed the requestor to Qs 2, 15, and 17, which address such questions. Noted that the position of Labor Crew Chief does appear to fit the definition of "public employee" as the State Ethics Commission has interpreted it, but cautioned that the definitive determination would be up to the State Ethics Commission, and provided their contact information.

o. Received an inquiry regarding "City policy" on gambling in City offices. Advised that this likely is covered by State law on "small games of chance," and is not in our jurisdiction. Suggested the requestor contact either the Chief Integrity Officer or the Law Department.

## **V. Amended Settlement Agreement**

Mr. Cooke explained that in September 2011 the Board approved a Settlement Agreement with Verna Tyner, Tyner for Council and Otis Hightower resolving violation of the City's campaign finance law for failing to file required 24 hour reports.

Mr. Cooke informed the Board that Ms. Tyner contacted him and explained that she was having financial difficulties due to the illness of a family member. Mr. Cooke told Ms. Tyner that he would consult with the Board.

Mr. Cooke provided a proposed amended Settlement Agreement for the Board to consider. The proposed amended Settlement Agreement included a new schedule to pay the remaining \$1,000 owed.

By a 4-0 vote, the Board approved the amended Settlement Agreement between the Board of Ethics and Verna Tyner and Otis Hightower.

## **VI. New Business**

### **A. Executive Session Meetings**

Chair Glazer stated that the Board met in Executive Sessions on April 5<sup>th</sup> regarding personnel matters and on April 18<sup>th</sup> regarding litigation strategy. The Board also held an Executive Session in late April regarding a confidential enforcement matter.

### **B. Outreach**

Chair Glazer explained to the Board that in 2009, after meeting with Council President Verna, he invited City Council members to meet with the Board for input and suggestions. The Board heard back from seven Councilmembers, but met with five of them.

Chair Glazer said that since there are six new Councilmembers, at the Board's direction he contacted Council President Clarke and sent a similar invitation to the City Councilmembers. Presently there are two meetings scheduled with Councilmembers.

## **VII. Questions and Comments**

The public did not have any questions or comments.

The public session of the Board's meeting was adjourned at 1:54 pm.