

Philadelphia Board of Ethics
Meeting Minutes
August 21, 2007
Philadelphia Bar Association
ARAMARK Building, 10th Floor
1101 Market Street, Philadelphia PA
1:00 pm

Present:

Board

Pauline Abernathy
Richard Glazer, Esq., Chair
Phoebe Haddon, Esq. (via Conference Call)
Stella Tsai, Esq.

Staff

J. Shane Creamer, Jr., Esq.
Tina Formica
Evan Meyer, Esq.

I. Call to Order

Mr. Glazer noted that a quorum is present and called the meeting to order.

II. Approval of Minutes

The Board approved the meeting minutes for the public meeting on July 17, 2007.

III. Hiring Announcement

Mr. Glazer announced that the Board made offers to Evan Meyer for General Counsel and Shane Creamer for Executive Director. Both Evan and Shane accepted the offers. Mr. Glazer also stated that there was a

nationwide search and a number of credible applicants and he is pleased with the Board's decision.

IV. Executive Director's Report

Mr. Glazer stated that due to time constraints the Executive Director's Report will not be read, but will be included in the meeting minutes.

Philadelphia Board of Ethics
Executive Director's Report
August 21, 2007

A. Legislative Update

1. General Assembly: H.B. 1130

On July 18th, the Board sent a letter to all Pennsylvania Senators urging them to oppose any legislation such as HB 1130 that would roll back Philadelphia's recent ethics reforms. Previously, the Ethics Board issued a Statement on July 5th, explaining how the Bill, if passed, would make it extremely difficult for the Board to enforce the City's campaign finance law. HB 1130 was passed by the House of Representatives on July 3rd, after being amended on the floor on July 2nd.

2. General Assembly: H.B. 1720

On August 14th, the House State Government Committee held a public hearing on four Bills that relate to campaign finance reform. One of the four, HB 1720 (Levdansky), would set statewide contribution limits for all state and local offices. According to testimony presented by Thomas J. Weaver, Deputy Secretary, Pennsylvania Department of State, Governor Rendell is developing his own campaign finance reform package that would set statewide limits, but would also allow for municipal governments to set lower contribution limits.

HB 1497 (Vitali) was also considered at the public hearing. That Bill would establish a system of public finance for candidates for governor and lieutenant governor.

A third Bill listed for the public hearing – HB 1721 (Levdansky) – would create a new State Board of Elections that would have broad powers over the State's Election Code. However, it is unclear whether this Bill was actually discussed at the public hearing.

B. Ethics Training Update

1. Citywide Ethics Training Progress

The following chart is an update from the chart I provided at the last meeting, however, more employees have been trained since this revised chart was prepared.

ETHICS TRAINING TOTALS

DEPARTMENT NAME	# OF EMPLOYEES IN DEPARTMENT	# OF EMPLOYEES TRAINED	# OF EMPLOYEES NOT TRAINED
AVIATION	800	800	0
BD OF PENSIONS & RETIREM	69	61	8
BD OF REVISION OF TAXES	186	168	18
CAPITAL PROGRAM	69	69	0
CITY CONTROLLERS	128	128	0
CITY COUNCIL	192	192	0
CITY PLANNING COMM	55	55	0
CITY TREASURER	12	7	5
CLERK OF QTR SESSIONS	85	85	0
COMMERCE/CITY REP	36	34	2
DEPT OF HUMAN SERVICES	1850	1840	10
DISTRICT ATTORNEY	541	541	0
FAIRMOUNT PARK	170	170	0
FINANCE/MBEC	182	182	0
FIRE DEPARTMENT	2395	2395	0
FLEET MANAGEMENT	392	392	0
FREE LIBRARY	850	850	0
HEALTH DEPARTMENT	1400	988	412
HISTORIC COMMISSION	6	0	6
LABOR RELATIONS	7	7	0
LAW	359	359	0
LICENSES & INSPECTIONS	388	388	0
MDO	123	123	0
MOIS	114	110	4
OFFICE SUPPORT HOUSING	186	186	0
O.H.C.D.	62	62	0
PHILA COM HUMAN RELATION	36	36	0
PERSONNEL	83	83	0
POLICE	7290	7290	0

PRISONS	2243	2243	0
PROCUREMENT	63	63	0
PUBLIC PROPERTY	181	181	0
RECORDS	78	78	0
RECREATION DEPARTMENT	762	762	0
REGISTER OF WILLS	68	64	4
REVENUE DEPARTMENT	520	220	300
SHERIFF DEPARTMENT	247	247	0
STREETS	1900	1900	0
WATER DEPARTMENT	1720	1720	0
TOTALS	25848	25079	769

2. Law Department CLE Program

On July 25th, I spoke on a panel on election law at the Law Department's annual two-day CLE course. The panel also included Gregory Harvey, Esq., Abbe Fletman, Esq., Sherry Swirsky, Esq., Robert Lee and Kevin Greenberg, Esq.

Evan Meyer spoke on a panel that discussed the role of a government lawyer on July 26th. Lewis Rosman, Esq., Joyce Wilkerson, Esq., Lawrence Copeland, Esq. and Michael Eichert, Esq. were also on that panel.

3. Board & Commission Ethics Training Plan

We have scheduled five ethics training sessions for all board and commission members, beginning on September 27th. Evan will lead the training and I will assist. The sessions will be held at the Ethics Board's new office.

Letters have been sent to the 81 board and commission chairs, explaining the training and asking them to advise their members of the requirement. The letter also explains that members can either sign-up electronically on the Ethics Board's website, or by mailing in a registration form that was enclosed with the letter. In the letter, I also asked the chairs to provide me with a mailing list of their members.

C. Litigation Update

1. Philadelphia Board of Ethics v. Appreciation Fund

A Petition for Contempt and to Enter Judgment was filed against the Appreciation Fund on August 9th, for its continuing failure to comply with the Court's June 1st Order. The Appreciation Fund has until August 29th to respond to the Petition.

D. City FDS Update

We have searched the City FDS filings to determine whether the individuals whose offices are one of the 45 listed on the instructions for the City form filed a required statement of financial interests for 2006. Because some of the offices listed have more than one official (such as City Council), and because two offices had two individuals hold that particular office in 2006, a total of 65 individual office holders were required to file a City statement of financial interests.

Of those 65 individuals, only one did not file. However, that individual became the “acting” head of the department in October of 2006, so the obligation to file may not have been clear. I have sent a letter to that individual, explaining their obligation to file the form.

E. Managing Director’s Commissioners’ Meeting

I was asked to provide an ethics update at the August 1st Managing Director’s Commissioners’ Meeting. At the meeting, I briefed the Commissioners and Department heads on Regulation No. 2 and the Board’s new ability to enforce the ethics and campaign finance laws by administrative hearings. I also advised them that the Board had hired Evan as its General Counsel.

F. COGEL Conference

The COGEL Conference 2007 will be held in Victoria, British Columbia from September 16th -19th. Both Evan and I are scheduled to attend the Conference. Richard and Pauline are also planning to attend.

G. New Office Update

The Building management is currently working on a punch-list of items that need correction. MOIS surveyed the three new offices and two conference rooms for data and phone lines on August 17th. They plan to install them sometime this week.

The nine cubicles are ready, but we learned last week that there is a logistical issue with the building’s elevators has delayed their delivery.

PhilaCor has the chairs for the Board’s new meeting room and they are upholstering them now. We expect to have them in time for the Board’s September 26th meeting.

H. Records Management

I have asked Records Commissioner Joan Decker for advice on how to manage the Board’s records, including establishing a filing system and adopting a document retention system. I am meeting with her and a member of her staff on September 11th.

I. Intern Update

Tim Porter's last day was on August 16th.

V. General Counsel Advisory Authority

There was a discussion among the Board regarding the request for advice procedure. It was decided that Mr. Meyer will answer requests for advice on a daily basis and will refer high profile cases to the Board.

Mr. Glazer made a motion that the procedure by which requests for advice is sought by Mr. Meyer would continue until a formal Regulation is approved. Ms. Haddon seconded the motion and it was unanimously approved by the Board.

VI. Proposed Amendment to Regulation No. 1

There was a discussion among the Board regarding the proposed amendment, which would clarify that only campaign finance reports with financial information about a candidate for a City elective office need to be filed electronically with the Board. Mr. Glazer made a motion to pass the proposed amendment to Regulation No. 1. The motion was passed unanimously. Mr. Meyer said that he would file the Amendment with the Records Department.

VII. Application of Political Activity Restrictions in City Charter §10-107 to Boards and Commissions

Due to time constraints, it was agreed that the Board would defer discussion on the applicability of political activity restrictions in City Charter §10-107 to boards and commissions until the next meeting.

VIII. New Business

There was no new business to discuss.