

Philadelphia Board of Ethics
Meeting Minutes
July 17, 2007
Philadelphia Bar Association
ARAMARK Building, 11th Floor
1101 Market Street, Philadelphia PA
1:00 pm

Present:

Board

Pauline Abernathy
Richard Glazer, Esq., Chair
Phoebe Haddon, Esq.
Richard Negrin, Esq., Vice Chair
Stella Tsai, Esq.

Staff

J. Shane Creamer, Jr., Esq.
Tina Formica
Timothy Porter

Guest

Evan Meyer, Esq.

I. Call to Order

Richard Glazer notes 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 June 19, 2007.

III. Interim Executive Director's Report

A. Legislative Update

1. General Assembly: H.B. 1130

Mr. Creamer reported that the Pennsylvania House of Representatives passed an amended version of HB 1130 without a hearing or public debate on July 3rd. While the original version of the bill would only exempt state officials and Philadelphia Ward Committees from filing campaign finance reports with the Ethics Board electronically, rather than in paper, the passed amended version would prohibit Philadelphia from requiring any candidate or committee from filing any campaign finance reports – electronically or in paper – with the Ethics Board. The bill was referred to the Senate. Mr. Creamer said that he had been told that the Senate may hold a hearing on the Bill in September.

Mr. Creamer also reported that on July 5th, the Ethics Board issued a Statement, explaining how the Bill, if passed, would make it extremely difficult for the Board to enforce the City's campaign finance law. The Statement also calls on Members of the Senate and the Governor to oppose the Bill. The Statement was posted on the Board's website and emailed to the media.

B. Regulation No. 2 Update

Mr. Creamer reported that Regulation No. 2, relating to Ethics Board investigations and enforcement proceedings, took effect on July 12th, which was ten days after it was re-filed with the Records Department. It was originally filed with Records on May 24th.

C. Ethics Training Update

1. Citywide Ethics Training Progress

After the last Board meeting, Mr. Creamer met with Personnel Director Tanya Smith on June 28th to discuss how to provide training to City employees who had not yet been trained. At the last meeting, Mr. Creamer reported that 23,539 employees had been trained, leaving 2,109 without training. After his meeting with the Personnel Director, Mr. Creamer sent

letters to the heads of the 12 departments with employees who have not been trained. In the letter, he reminded them of the mandate and asked them to direct their HR representative to develop a plan to complete the training. The following chart is an update from the chart he originally 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	54	15
BD OF REVISION OF TAXES	186	160	26
CAPITAL PROGRAM	69	69	0
CITY CONTROLLERS	128	128	0
CITY COUNCIL	192	192	0
CITY PLANNING COMM	55	49	6
CITY TREASURER	12	6	6
CLERK OF QTR SESSIONS	85	52	33
COMMERCE/CITY REP	36	33	3
DEPT OF HUMAN SERVICES	1850	1553	297
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	1400	942	458

DEPARTMENT			
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	23	91
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	731	31
REGISTER OF WILLS	68	63	5
REVENUE DEPARTMENT	520	184	336
SHERIFF DEPARTMENT	247	247	0
STREETS	1900	1900	0
WATER DEPARTMENT	1720	1551	169
TOTALS	25848	24366	1482

Mr. Creamer also reported that as of July 13th, 25,088 City officials and employees have received ethics training in the Citywide Ethics Training Program. That means that there are only 560 employees left to be trained. The City should be able to complete the training for all City employees and officials shortly.

On July 10th, Richard Glazer and Mr. Creamer spoke at a meeting of the Training Consortium conducted by Central Personnel. Mr. Glazer thanked them for making the Citywide Ethics Training program such a success and Mr. Creamer spoke about the effort to complete the training program for all City Employees.

Mr. Creamer stated that all Board and Commission member still need to be trained and we have tried unsuccessfully to acquire a list from the Administration. Mr. Creamer will make a recommendation to the next Administration to have someone in charge of Boards and Commissions.

D. New Office Update

Mr. Creamer stated that while there is still some carpentry and electrical work left to be done; construction on the Board's new office is essentially completed. At this point, walls and doors are being painted.

E. Law Department CLE Classes

Mr. Creamer reported that he was asked to speak at the Law Department's Continuing Legal Education classes which are being held on July 25th and 26th.

IV. Proposed Amendment to Regulation No. 1

Mr. Glazer stated that as a result of Regulation No. 1 HB 1130 was passed by the House. The Board attempted to make its position known by issuing a statement and sending out a letter to the PA Senate and the PA House of Representatives.

The Board discussed creating an amendment to Regulation No. 1 to clarify misinformation that is being relayed by the Senate. Mr. Meyer, Ms. Abernathy and Mr. Creamer have each drafted a proposed amendment to Regulation No. 1, but the Board could not reach a consensus on any particular draft.

There was an extensive discussion among the Board, after which Ms. Abernathy made a motion to have staff redraft the proposed amendment. The motion was seconded and passed unanimously by the Board.

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

Mr. Meyer addressed the board regarding a question he received from the Managing Director's office. The question is: Should the restrictions on political activities in Section 10-107 of the City Charter apply to the Zoning Board of Adjustment, L&I Review Board and the Board of Building Standards?

There was a discussion among the Board on this issue and it was decided that Mr. Meyer will request clarification from the Managing Director's Office before he answers the question. The Board suggested Timothy Porter to research how other cities handle this issue.

VI. Financial Disclosure Review

Mr. Creamer explained that there are three Financial Disclosure Statements that have to be filed annually by elected officials, city department heads and board and commission members. The three forms are City, State and Mayoral. The Board is responsible to oversee the City Financial Disclosure Statement because it is required under the City's Ethics Code. It is unclear whether the Board has jurisdiction over the Mayoral form, since that form was created by Executive Order.

Mr. Creamer referred the Board members to the City's Financial Disclosure Statement instructions, which list the elected officials and city employees that are required to file. There are 45 people who must file, which does not include the Board and Commission members. There are 81 Boards and Commissions. Mr. Creamer stated that he will know whether the 45 people filed by the next board meeting.

Mr. Glazer would like to know who filed, and the accuracy of the forms He eventually wants the Board to audit the forms.

Ms. Tsai had a prior commitment and had to leave the meeting.

VII. Intern Report: Timothy Porter

Mr. Porter reported that he updated the legal links, history and bios and pictures on the Board of Ethics website. He also created a mock-up for a Code of Business Ethics Pamphlet, which he distributed to the Board.

Mr. Glazer commended Mr. Porter on his work as the first intern for the Board of Ethics. He wished him well with his future.

VIII. Outreach Plan

The Board had a brief discussion regarding an outreach plan, and decided to start the planning process in September after Labor Day.

IX. New Business

There was no new business to discuss.

X. Public Comment

Chris Sheridan from the Committee of Seventy did not have any questions, but he stated that it was an interesting and informative meeting.

Bob Warner from the Daily News asked for copies of the materials the Board discusses in advance of future meetings, to make it easier to follow the Board's discussion.