

**Philadelphia Board of Ethics**  
**Meeting Minutes**  
November 18, 2015 - 1:00 p.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 McCormick, Esq.  
JoAnne A. Epps, Esq.

**Staff Present**

J. Shane Creamer, Jr., Esq.  
Maya Nayak, Esq.  
Michael Cooke, Esq.  
Diana Lin, Esq.  
Jordan Segall, Esq.  
Bryan McHale  
Tina Simone  
  
Hortencia Vasquez

Chair Reed recognized the presence of a quorum and called the meeting to order at 1:00 p.m.

**I. Preliminary Announcements**

Chair Reed announced that the Board was very pleased that the Board's Public Meeting was included as a highlighted event in the City's Second Annual Integrity Week. On behalf of the Board, he welcomed first-time attendees, as well as those who regularly attend the Board's monthly meetings.

Integrity Week has been organized by the Mayor's Chief Integrity Officer, Stephanie Tipton, to build awareness about ethics and integrity in City government and to recognize the agencies, including the Board of Ethics, that are responsible for promoting ethics and integrity in City government.

Chair Reed noted that, as part of Integrity Week, on November 18, 2015, the Chief Integrity Officer and the Board will be hosting an event titled *Turning the Lights on Dark Money*. The main speaker at the event will be WHYY Senior Reporter Dave Davies. The Board's Director of Enforcement, Michael Cooke, was also scheduled to participate in the event.

Chair Reed also noted that on the morning of November 18, 2015, Mayor-elect Jim Kenney announced the appointments of Ellen Mattleman Kaplan as Chief Integrity Officer and Amy Kurland as Inspector General. Chair Reed said that the Board looks forward to working with Ms. Kaplan and Inspector General Kurland under the new administration.

**II. Approval of Minutes**

By a 5-0 vote, the Board approved the minutes for the public meeting held on October 21, 2015, as presented.

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### **III. Executive Director's Report**

#### **A. Settlement Agreements**

Mr. Creamer announced that, since his report at the October Board meeting, the Board has approved and announced two settlement agreements. Both agreements concern violations of the City's Campaign Finance Law in 2015 election-related activity. The settlement agreements are available on the Board's website.

- The Agreement with Isaiah Thomas and the Friends of Isaiah Thomas resolved violations of the City's Campaign Finance Law for (1) the late filing of 24-hour campaign finance reports with the Board and (2) a material omission in both the thirty day post-primary (cycle 3) report and a 24-hour campaign finance report filed with the Board.
- The Agreement with Williams for Mayor and Paula Wright, the Treasurer of Williams for Mayor, resolved violations of the City's Campaign Finance Law for (1) the late filing of a 24-hour campaign finance report with the Board and (2) material omissions in a 24-hour campaign finance report filed with the Board.

#### **B. COGEL Conference**

Mr. Creamer noted that several members of Board Staff will attend the December 2015 COGEL Annual Meeting, which will be held from December 6<sup>th</sup> through the 9<sup>th</sup> in Boston. COGEL is the Council on Governmental Ethics Laws, and COGEL members are primarily local, state, and national government officials who regulate ethics, campaign finance, lobbying, freedom of information, and election administration laws. Each Conference has between 45 and 50 different sessions that are organized and run by the all-volunteer Conference Program Committee.

Mr. Cooke is a member of the Program Committee and is organizing three conference sessions: the Campaign Finance Litigation Update; Preparing the Case I: The Nuts & Bolts of Thorough Investigations; and Preparing the Case II: The Art of Locking in the Evidence. Mr. Cooke will also participate as a panelist in the third session.

Ms. Massar is serving on the Awards and Nominations Committees and several Board Staff members will attend the Conference. Mr. Creamer said that Board Staff will report to the Board in December on the various Conference events. Chair Reed congratulated Board Staff on their leadership role within COGEL.

### **IV. General Counsel's Report**

#### **A. Advisory Opinions**

Ms. Nayak announced that Non-public Board Opinion 2015-001 was issued on July 29, 2015. The Opinion addresses the application of the City ethics laws to a requestor's sending a letter to local businesses seeking contributions to be made to a non-profit entity to support an annual community event hosted by the requestor and the requestor's City office.

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In applying the gift ordinance, the Board explained that although the solicited contributions would support an event that the official hosts, the official would not be soliciting a gift as defined by the City gift ordinance. This was because the official would not realize a personal financial benefit from the event or from the contributions that businesses may make to the non-profit to support the event.

The Board advised that although the City gift and conflict of interest restrictions do not prohibit sending the letter, an appearance of impropriety exists with respect to certain proposed recipients of the solicitation letter. The requestor's solicitation of businesses that have sought, are seeking, or presumably will seek official action from the requestor or the requestor's office for sizeable monetary contributions to support an event the requestor hosts could be viewed by the public as coercive for these businesses or as an opportunity for the businesses to use money to gain influence with the requestor. The Board provided recommendations to mitigate the appearance of impropriety.

Ms. Nayak said that Non-public Board Opinion 2015-001 is available on the Board's website.

**B. Informal Guidance**

Ms. Nayak provided the Board a chart summarizing the informal guidance that Board Staff provided from September 5, 2015 through October 9, 2015.

**C. Staff Attorney Hiring**

Ms. Nayak said that at the September Board meeting, the Board authorized her to fill the Staff Attorney position that became vacant in September. She announced that she was delighted to report that the hiring process was successful. Thomas Klemm, an attorney who has been working at White & Williams, will be joining the Board on November 23, 2015. Ms. Nayak said she had promptly notified all other applicants that the position has been filled, and thanked them for their interest in the Board.

**SUMMARY OF INFORMAL GUIDANCE PROVIDED, SEPTEMBER 5, 2015 – OCTOBER 9, 2015**

<b>General topic</b>	<b>monthly total # (ytd total)</b>	<b>phone</b>	<b>email</b>	<b>phone &amp; email</b>	<b>in-person</b>	<b>Subtopics</b>
Campaign Finance	66 (497)	36	24	4	2	<ul style="list-style-type: none"> <li>▪ Contribution limits</li> <li>▪ Reporting requirements and deadlines</li> <li>▪ Technical assistance for setting up a filing account and filing reports</li> <li>▪ Contributions from foreign nationals</li> <li>▪ Reporting trigger for Cycle 401</li> <li>▪ Candidate campaign finance statements and sworn statement form</li> <li>▪ Notarization of reports</li> <li>▪ City versus state reporting requirements</li> </ul>
Political Activity	5 (90)	1	3		1	<ul style="list-style-type: none"> <li>▪ City board members' ability to make and solicit political contributions</li> <li>▪ Providing a report on City utilities for transition purposes</li> <li>▪ City employee's spouse hosting a political fundraiser in jointly-owned home</li> <li>▪ City employee providing recommendations and ideas for transition purposes</li> <li>▪ Fire department employee's ability to contribute to political candidates</li> </ul>

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**SUMMARY OF INFORMAL GUIDANCE PROVIDED, SEPTEMBER 5, 2015 – OCTOBER 9, 2015  
(CONTINUED)**

<b>General topic</b>	<b>monthly total # (ytd total)</b>	<b>phone</b>	<b>email</b>	<b>phone &amp; email</b>	<b>in-person</b>	<b>Subtopics</b>
Conflicts	4 (42)	1	1	2		<ul style="list-style-type: none"> <li>▪ City employee also employed by non-profit entity</li> <li>▪ Conflict arising from family member's financial interests</li> <li>▪ Disclosure and disqualification letter requirements</li> <li>▪ Reviewed draft disclosure and disqualification letter</li> <li>▪ City employee considering work with prospective employers outside the City</li> </ul>
Lobbying	4 (160)	3			1	<ul style="list-style-type: none"> <li>▪ Philadelphia Lobbying Information System technical assistance</li> <li>▪ Quarterly expense report filing process</li> </ul>
Post-Employment	2 (34)			2		<ul style="list-style-type: none"> <li>▪ Post-employment work with a non-profit agency</li> <li>▪ Work for non-profit with grants received from City</li> </ul>

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Other	4  (62)	3		1		<ul style="list-style-type: none"> <li>▪ General questions regarding the Board's jurisdiction</li> <li>▪ Ethics training</li> <li>▪ Representation questions regarding civic association activities</li> <li>▪ Non-competitively bid contracting law</li> </ul>

*This chart summarizes the informal guidance provided by a number of Board Staff members during the specified time period. The figures provided reflect the approximate number of inquiries that Board Staff has responded to and do not indicate the amount of time spent per topic or inquiry.*

**V. Board of Ethics Twitter Account**

Mr. Segall explained that since the October Board meeting, Board Staff had established a Twitter account for the Board. The account went live on Friday November 13, 2015 and has already provided information to the public about the mission of the Board, the Board's November meeting, and various Integrity Week programs.

On November 13, 2015, Board Staff issued a press release announcing the account and explained to the public how to access it. The public can also access the Twitter feed from the Board's webpage. Other City agencies, including the Chief Integrity Office, have been helpful in promoting and publicizing the Board's account. Mr. Segall thanked the Chief Integrity Office for its assistance.

The Board's Twitter account has received a nice response. It has almost 65 followers and numerous re-posts and responses to its content from the public. Mr. Segall said that Board Staff are looking forward to further using the Twitter account to disseminate information to the public about the City's Public Integrity Laws as well as the activities and mission of the Board.

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Board Staff will keep Board members informed as the Board's Twitter account continues to grow and receive further use. Chair Reed said that he believed the account was an important additional step for the Board's interaction with the public. He said that it will be interesting to see the response to the Board's Twitter account.

**VI. New Business**

There was no new business presented at the meeting.

**VII. Questions/Comments**

Adam Bonin said that he believed the Board's Twitter account was working well.

Mr. Bonin asked if the Board planned any new regulations or rule making in the near future. Mr. Cooke said there would likely be amendments to the Board's campaign finance regulation in order to conform it to the recent amendments to the City's Campaign Finance ordinance. Mr. Bonin asked that the amendment to the campaign finance regulation be done well in advance of the next City election.

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Chair Reed announced that after the conclusion of the public meeting, the Board would meet pursuant to Sections 708 and 716 of the Pennsylvania Sunshine Act to receive legal advice and to address confidential enforcement matters.

The public session of the Board meeting was adjourned at approximately 1:20 p.m.