

2013 Index of Board Opinions
(issued January through June)

Board Opinion No.	Date Issued	Brief Description	Key Words
			Citations
Board Opinion 2013-001	1/23/13	Advised a City Council employee that proposed circulation of nominating petitions on her behalf would not constitute a public announcement of candidacy and would not require her to resign her City office under the Charter's resign to run provision.	POLITICAL ACTIVITY; RESIGN TO RUN; PUBLIC ANNOUNCEMENT OF CANDIDACY; CIRCULATING NOMINATING PETITIONS; COUNCIL EMPLOYEE
			Charter §10-107(5); <i>see related</i> Board Opinion 2010-001
Board Opinion 2013-002 Non-public Advice, subsequently made public by agreement of requestor	2/11/13	Advised representative of the Pennsylvania Horticultural Society that providing free tickets or free admissions to various events at the 2013 Flower Show to certain City officials and employees would not constitute prohibited gifts under the City Code's gift provision. Officials' attendance at the Flower Show, a major international event, is a proper function of government and may be provided free of charge without raising issues of improper gifts.	GIFTS; FLOWER SHOW; FREE TICKETS FOR CITY OFFICIALS
			Code §20-604
Board Opinion 2013-003	2/20/13	Advised representative of the Pennsylvania Horticultural Society that free tickets or free admissions to 2013 Flower Show events qualifying as a reception may be provided to certain City officials without the value of such expenses being considered "lobbying" or counting toward the \$2,500 quarterly expense threshold that exists for required registration as a principal and reporting of lobbying expenses. General admission tickets do not meet the reception exception and would count towards lobbying registration and reporting requirements.	LOBBYING; RECEPTION EXCEPTION; FLOWER SHOW; FREE TICKETS FOR CITY OFFICIALS; REGISTRATION; REPORTING
			Code §§20-1201(12), 20-1201(18), 20-1202(1), 20-1203(1); 20-1203(2)(e), 20-1203(2)(i); Regulation No. 9

Board Opinion 2013-004	3/20/13	Advised an attorney that the City Lobbying Code prohibits him and his client from entering into a contingent fee agreement for his lobbying for the City to issue an RFP and contacting City employees other than those officials normally responsible for receiving inquiries about the issuance of an RFP. No applicable exception arises out of the fact that the requestor is an attorney. The Lobbying Chapter recognizes the primacy of the Rules of Professional Conduct, but the Rules make clear that they do not provide attorneys a blanket exemption from a municipal lobbying statute and the Rules require attorneys to comply with laws restricting contingent fees.	LOBBYING; CONTINGENT FEES PROHIBITED; ATTORNEY; RULES OF PROFESSIONAL CONDUCT
			Code §§20-1201(20), 20-1205(7)(a), 20-1205(7)(b); Pennsylvania Rules of Professional Conduct, Rule 1.19, Rule 1.5(c)
Board Opinion 2013-005 Non-public Advice	3/20/13	Advised that the City Code's representation restriction prohibits a City Council employee who is a lawyer from undertaking legal representation of a constituent in transactions involving the City. The official duty exception to the representation restriction would not apply to legal representation of a constituent, which, according to a Solicitor's Opinion issued on March 7, 2013, falls outside the official duties of a Council staff member. A Council employee is permitted to refer a constituent to an attorney if no referral fee will be given, and a financial interest in the referral is not held by the staff member, the Councilmember, or certain of their business colleagues or relatives.	REPRESENTATION RESTRICTION; CONSTITUENT SERVICE; LEGAL REPRESENTATION; COUNCIL EMPLOYEE; ATTORNEY REFERRALS; CONFLICT OF INTEREST
			Code §§20-602(1)(a); 20-602(1)(b); 20-607; Solicitor's Opinion issued March 7, 2013.