

Philadelphia Board of Ethics
Meeting Minutes
March 20, 2007
Philadelphia Bar Association
ARAMARK Building, 11th Floor
1101 Market Street, Philadelphia PA
1:00 pm

Present:

Board

Pauline Abernathy
Richard Glazer, Chair
Richard Negrin, Esq., Vice Chair

Staff

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

Guest

Evan Meyer, Esq.

After recognizing that a quorum was present, Board Chair Richard Glazer convened the meeting.

I. Approval of Minutes

The Board approved the meeting minutes for the public meeting on February 20, 2007.

II. Board Vacancy

Richard Glazer announced the resignation of Reverend Waller from the Board. The Mayor's Office has been informed about his resignation and a request for a replacement has been submitted. Mr. Glazer expressed his gratitude for Reverend Waller's service on the Board, and noted that his unique perspective was valuable to the Board and will be missed.

III. Executive Director's Report

1. Legislative Update

a. Nutter v. Dougherty, et. al.

Mr. Creamer reported that the Commonwealth Court heard oral argument on the appeals from Judge Tereshko's December 13, 2006 order on March 7th. Richie Feder, Chief of the Appeals and Legislation Unit in the Law Department, argued on behalf of the City. Mr. Feder argued that there was no preemption by state law and that the City has the same powers as the general Assembly, unless the General Assembly says otherwise.

Counsel for Michael Nutter also argued in support of the City's Appeal, while counsel for Congressman Fattah argued that the City was preempted from regulating the field of campaign finance by state law. Counsel for Mr. Dougherty argued that Michael Nutter is not eligible to submit a nomination petition because he did not resign from City Council more than one year prior to the petition deadline. Judge Tereshko had rejected that argument.

Mr. Creamer said that the Commonwealth Court can issue a ruling at anytime. While it is impossible to predict when the Court will rule on the appeal, he noted that the expedited argument and the well-prepared en banc panel suggests that they may be prepared to issue a ruling sooner than they might do ordinarily.

b. Lobbyist Registration Bill

Mr. Creamer reported that Councilman Frank Rizzo introduced Bill 010172 on March 8th. That Bill would require lobbyists to register with the City. The Ordinance would grant jurisdiction to the Ethics Board to administer and enforce the law. The Board would also have the authority to issue advisory opinions on the law. The Bill has been referred to the Committee on Law & Government, but no hearing has been scheduled yet.

2. Candidate Update

a. Nominating Petition Deadline

Mr. Creamer reported that the deadline for filing nominating petitions with

the City Commissioners was March 6th. Most candidates waited until the deadline to file their petitions. As of March 6th, there were 79 candidates for City elective offices, including: 8 mayoral candidates; 56 City Council candidates; 2 candidates for Sheriff; 2 candidates for Register of Wills; 3 candidates for Clerk of Quarter Sessions; and 7 candidates for City Commissioners.

b. Candidate Letters

Mr. Creamer said that letters were sent to 74 declared candidates on March 16th. The letter enclosed a copy of the City's campaign finance law and explains that, as candidates, they are subject to the law. The letter also explains that they are required to maintain a single committee and checking account for their campaign, and asks them to identify their single committee and account in writing to the Ethics Board at their earliest convenience. Similar letters were previously sent to the five declared candidates for Mayor.

3. Staff Update

Mr. Creamer announced that Tina Formica began working as the Ethics Board's Office Administrator on March 12th.

4. New Office Update

Mr. Creamer reported that we were able to connect and configure a computer in our new space on March 16th. Four new printers have been delivered and the Board should receive three new computers any day. He also reported that the Board should also have a fax number assigned by Verizon today. Finally, Mr. Creamer said that Mr. Glazer and Ms. Formica and he will be looking at copying machines later this week.

Mr. Creamer also reported that the Board was now operating out of the new space. The new address is: Philadelphia Board of Ethics, 1441 Sansom Street, 2nd Floor, Philadelphia, PA 1902. The main office number is 215 686-9450.

Mr. Creamer also said that he updated the contact information on the Board's website to reflect the new address and we have highlighted the new address with a feature under "Recent."

Ms. Abernathy congratulated the Board on the new office space.

5. Outside Counsel

Mr. Creamer advised the Board that he and Mr. Glazer have interviewed lawyers from three different law firms. He said that all three firms are prepared to represent the Ethics Board in potential enforcement actions in the Court of Common Pleas.

6. FY2008 City Budget

City Council began hearings on the City's FY2008 budget on March 6th. The Ethics Board will have its own separate budget hearing because it will be a separate "department" for budget purposes in FY 2008.

The Ethics Board's budget hearing is scheduled for April 24th at 3:45 PM. Draft testimony is due to the Budget Office by March 30th. The Board is scheduled for a budget prep meeting on April 9th.

7. Campaign Finance Seminar

Mr. Creamer reported that the Board will offer a second Campaign Finance Law Seminar to all candidates and treasurers of political committees again on April 18th, from 12:00-2:00 PM. The first Campaign Finance Seminar was held on February 8th.

8. Letter to Editor

Mr. Creamer reported that Richard Glazer's letter to the editor was published in the Inquirer on March 6th. The letter was written to clarify that, just because the Board cannot reveal details of investigations under the law, does not mean that the Board is pursuing potential campaign finance law violations. The letter was submitted after the "Looking for Bark or Bite at the Ethics Board" article appeared in the Inquirer on February 21st.

IV. Financial Disclosure Statement Timetable

Mr. Creamer presented the financial disclosure statement timetable to the Board. Financial Disclosure Statements are due on May 1st for calendar year 2006. Mr. Glazer asked if there are software programs to permit a search

inquiry of the filed statements. Mr. Creamer stated that there was not, because the forms are filed in paper.

Mr. Glazer asked if in the past there was any attempt to audit disclosure forms. Mr. Creamer reported that there was not. Mr. Glazer said that the Board should think about an audit process for the financial disclosure statements. Ms. Abernathy suggested that it would be helpful to research best practices to find out how other cities handle this issue.

Mr. Meyer asked if the Solicitor should send out the Financial Disclosure Letter or should the letter be send from the Board of Ethics. After a brief discussion, it was agreed that the letter should come from the Board, rather than the Law Department.

IX. New Business

There was no new business.

X. Executive Session

The Board then convened its Executive Session.