

**Philadelphia Board of Ethics**  
**Meeting Minutes**  
**Public Session**  
*April 12, 2006*  
Municipal Services Building  
Room 16 B  
4:00 – 6:00 PM

**Present:**

Board

Charisse R. Lillie, Esq., Chair  
Daniel P. McElhatton, Esq., Vice Chair  
Romulo L. Diaz, Jr., Esq., Member

Staff

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

Guest

Joan Decker, Records Commissioner

**Agenda:**

**I. Approval of Minutes**

The Board approved the meeting minutes for the public and executive sessions of the March 15, 2006 meeting.

**II. New Legislation: Campaign Finance Database Update**

Records Commissioner Decker provided the Board with an update on her Department's efforts to comply with the requirements of Bill 050014, which was passed by the City in December 2005. That Bill requires candidates and political committees who are required to file campaign finance reports with the City Commissioners to simultaneously file the same information with the

new Ethics Board. The new Board must then publish the information on the City's website. The Ordinance took effect immediately. Until voters approve an amendment to the City Charter that will authorize the creation of the new Ethics Board, the Records Department is responsible for carrying out the requirements of the ordinance.

Commissioner Decker reported that 22 reports were filed by April 4<sup>th</sup>, which was the 6<sup>th</sup> Tuesday before the May 16<sup>th</sup> primary election. The next report filing deadline is May 5<sup>th</sup>. The Records Department plans to launch phase 2 of its Campaign Finance Database project before the May 5<sup>th</sup> filing deadline. Phase 2 will include an online form submission; an application for mass import utility; and an online registration process for submitting campaign finance reports. Commissioner Decker said that the database's features will mirror the State's process.

Commissioner Decker also told the Board that phase 3 of the project will include an online mass import utility; the ability to print an affidavit from directly from the web; and the ability to export web campaign data to the State. The target date for phase 3 is sometime before the fall elections. She added that the Records Department will continue to accept paper submissions to accommodate the needs of all filers.

### **III. Ethics Opinion Archive**

Evan Meyer provided the Board with an update on his efforts to compile past Ethics Board Opinions into an archive, in order to create a potential resource for the new Ethics Board.

Since reporting on the project at the last Board meeting, Mr. Meyer said that he was able to secure copies of Opinions issued between 1992 and 1993 that were not included in the initial group of Opinions that were produced at the last Board meeting. Mr. Meyer said that we should now have a complete list of past Opinions.

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

#### **1. Legislative Update**

Mr. Creamer reported that City Council held a hearing on the Law Department's budget on March 28<sup>th</sup>. Although the Ethics Board's budget is

included in the Law Department's budget, there were no questions on the Board's budget.

Mr. Creamer also advised the Board that the Mayor must issue a proclamation on the ballot question. The Clerk of Council is required to publish the proclamation as specified in Section 4 of Bill 040769. Mr. Diaz reported to the Board that the Proclamation has been drafted by the Law Department and transmitted to the Administration.

## **2. DOJ Antitrust Awareness Training**

On April 4<sup>th</sup> Mr. Creamer introduced Ed Panek and Anne Spiegleman at the Antitrust Awareness Training session for operating department procurement officers. Mr. Creamer said that this session was requested after Mr. Panek gave a presentation on the training program at the Managing Director's Commissioners' Meeting on February 1<sup>st</sup>. Twenty-two procurement officers from the following thirteen different operating departments attended the training session:

- CPO (1)
- DHS (1)
- Fire (2)
- Health (2)
- MDO (1)
- MOLR (1)
- OESS (1)
- Police (1)
- Prisons (2)
- Property (4)
- Recreation (3)
- Records (2)
- Streets (1)

The Antitrust Awareness Training Program was previously offered to the procurement officers at PGW, the School District of Philadelphia and the City's Procurement Department. Mr. McElhatton suggested that we ask the Department of Justice to offer annual updates of their Antitrust Awareness Training to the City's procurement officers.

### 3. Ethics Training

The Citywide Ethics Training Program was launched on September 9, 2005. Mr. Creamer said that 234 trainers were trained in eight “Train the Trainers” sessions and that all City departments have submitted training schedules for their departments.

Mr. Creamer reported that, as of April 7, 2006, these 234 trainers have provided ethics training to 12,819 City employees. The following chart provides a breakdown of the Ethics Training Program by department:

Department	Number of Trainers	Employees Trained
Aviation	4	662 (out of 750)
Board of Pensions	2	54
City Planning Commission	1	52 (out of 56)
Finance	2	(Being trained by Central Personnel)
Fire	7	2,015
Library	2	
Health	35	953
Human Relations Committee	2	30 (out of 35)
DHS	73	1,408
Law	221	CLE (7/27/05)
L & I	2	(Begins on May 4 <sup>th</sup> )
OESS	3	168
Fleet Management	4	297 (out of 322)
MOLR	1	7 (100%)
Personnel	10	508 (Citywide training plus 74 in Personnel)
Police	17	2,569
Prisons	44	2,190
Property	3	106
Revenue	2	(Being trained by Central Personnel)
Streets	7	600 (June 4 <sup>th</sup> completion target)

Water	6	1200 (out of 2003)
-------	---	--------------------

## V. Schimmel Lawsuit

A copy of the Complaint filed on April 11<sup>th</sup> by Allan Schimmel against potential candidates for the 2007 mayoral election was circulated to the Board. Mr. Diaz provided the Board with a summary of the lawsuit.

The Law Department was given a courtesy copy of the Complaint on April 12<sup>th</sup>. However, the City is not named as a Defendant. The Plaintiff is Allan Schimmel, a Board member of the Committee of Seventy and a past Chairman of that Board. John Harkins, of Harkins Cunningham LLP, represents the Plaintiff. The Defendants are: John Dougherty; Dwight Evans; Chaka Fattah; Tom Knox; Michael Nutter; and Jonathan Saidel. The Docket number is Common Pleas April 2006 No. 1233.

The suit seeks a Court ruling that the City campaign finance limitation ordinance applies to all candidates whether formally declared or not. The suit also seeks an order enjoining certain Defendants (specifically requesting, at a minimum, an order against Defendant Fattah), from accepting contributions in excess of the contribution limits and from expending any excess they have already received.

Previously, the Law Department opined that only declared candidates are bound by the campaign finance law. The suit addresses the claims and collection practices of each candidate and claims that:

- All Defendants have expressed an intention to run for Mayor and have collected contributions toward that purpose directly or indirectly.
- Some of the Defendants have stated that they will not obey the limits until they officially declare their candidacy.
- Councilman Nutter has agreed to comply and has complied, and Mr. Saidel has agreed to comply.
- Some (Fattah, Evans and Saidel) have already exceeded the limits.
- Citizens need to know what they are allowed to contribute and that there are currently conflicting interpretations.

The suit seeks a declaratory judgment that all candidates are bound by the ordinance and an injunction against “at least Defendant Fattah from receiving contributions in excess of the Ordinance’s contribution limits.”

Although Councilman Nutter is a City official and is named as a Defendant, he is being sued in his capacity as a candidate for office, not in his capacity as a City official. Mr. Diaz added that the City is not required to participate in the lawsuit and that the suit does not attack the validity of the ordinance.

#### **VI. New Business**

There was no new business.

#### **VII. Next Board Meeting**

The next Ethics Board Meeting will be held on Wednesday, May 10, 2006 at 5:00 PM, in Conference Room “B” on the 16<sup>th</sup> floor of the Municipal Services Building.