

**Philadelphia Board of Ethics**  
**Meeting Minutes**  
**Public Session**  
*June 16, 2005*  
Municipal Services Building  
Room 16 C  
4:30 pm – 6:30 pm

**Present:**

Board

Charisse Lillie, Esq., Chair  
Dan McElhatton, Esq., Vice Chair  
Romulo Diaz, Jr., Esq.

Staff

Evan Meyer, Esq.  
Shane Creamer, Esq.

Guests

Kyle Odum, Mayor's Office of Information Services

**Agenda:**

**I. Approval of Minutes**

The Board reviewed the Minutes from the Public and Executive Sessions of the last meeting on May 23, 2005. The minutes were approved as amended.

**II. Web Page Update**

Kyle Odum, a Web Design Manager from the Mayor's Office of Information Services ("MOIS") demonstrated a "beta" web page for the Ethics Board. The beta page has a basic structure consisting of a home page, a board member page, a members page and a documents page, but lacks any content other than the Board's September 22,

2004 Statement. Mr. Odum explained that the beta page could be modified to meet the needs of the Board. Once the page goes “live,” it would be “featured” on the City’s web page in the center column for two – three weeks. After that, it would be moved to the “Departments” section of the City’s web page.

Mr. McElhatton suggested that we add the Board’s meeting schedule, a complaint form and a “links” section (to provide more content). Links could include COGEL, the State Ethics Commission, articles, opinions, proposed ethics legislation, press releases and testimony by Board members.

Mr. Odem said that MOIS could convert Word documents, such as opinions, statements and press releases to PDF files, to make it possible to load them on to the web page. Mr. Creamer will search web sites for other ethics boards and commissions for ideas on what to include on the site and how to format it.

Mr. Meyer explained that there are two types of opinions: informal, email opinions and formal opinions, of which there are two or three. The two types of opinions have different numbering systems. It was suggested that the Board also list the opinions by topic on the web page, to make them more searchable.

Mr. Odum will work with Mr. Creamer to design the web page and incorporate the content suggested by the Board. Once the page is “live,” MOIS will give Mr. Creamer a content management software package, which will enable him to update the site’s content.

### **III. Executive Director’s Report:**

#### **1) Ethics Training Update**

Completed Training:

After the last Ethics Board Meeting on May 23, 2005, an ethics training session was scheduled by the Ethics Board staff for all deputies under the Managing Director’s Office. The Managing Director and the Personnel Department worked with Ethics Board staff to schedule the session and to ensure that all deputies were

notified of the mandatory training. That training session was conducted on June 3, 2005. Managing Director Pedro Ramos and his Chief of Staff both attended the training session and expressed the importance of the training to the attendees. The Personnel Department prepared an agenda for the session, distributed the materials and took attendance. Mr. Creamer introduced the session and Mr. Meyer did the training. Forty-eight deputies from the following departments attended the training session:

1. Capital Program Office
2. Fairmount Park
3. Fire
4. Fleet Management
5. Health
6. Human Services
7. Library
8. L & I
9. OESS
10. Police
11. Prisons
12. Public Property
13. Records
14. Recreation
15. Streets
16. Water

Materials cost about \$10 per booklet. It was agreed that the Ethics Board would reimburse the Law Department for the cost of printing the materials.

Mr. Creamer informed the Board that training for non-MDO Deputies is scheduled for June 20<sup>th</sup>: The Mayor's Chief of Staff, Joyce Wilkerson, issues a Memorandum to the following departments, commissions and offices, advising them of the training session and informing them that attendance is mandatory for all deputies:

1. Aviation
2. Board of Pensions
3. City Planning Commission
4. City Representative
5. City Treasurer
6. Commerce
7. Commission on Human Relations

8. Finance
9. Housing and Community Development
10. Mayors Office
11. Mayors Office of Community Service
12. Mayors Office of Information Services
13. Mayor's Office of Labor Relations
14. Revenue
15. Personnel
16. Procurement

The June 20<sup>th</sup> training session will also serve as a make-up session for nine MDO deputies who missed training on June 3<sup>rd</sup>. It was suggested that the Board invite members of the press to the ethics training session on June 20<sup>th</sup>, to give them an idea of what the issues are and what the discussion is like. After some discussion, it was agreed that the reporters from the Daily News and the Inquirer would be invited to attend the first hour of the training session "off the record," so as not to discourage a candid exchange at the session.

Mr. Creamer then summarized all ethics training that has occurred in the past 10 months:

1. Cabinet (8/10/04: 7-8, with a make-up on 9/14/04: 3-4)
2. MDO Commissioners (August 18, 2004: 25-30)
3. Police Department's Commanders: approximately 100 on October 22, 2004
4. Lay-off Committee (mostly post-employment rules) – December 9, 2004
5. MDO Deputies: June 3<sup>rd</sup>: 48 in attendance.

In addition, the Board will participate in the ethics session of the City's Continuing Legal Education course on July 27, 2005.

Mr. McElhatton suggested that the Board issue a press release on the ethics training that has been provided so far.

Further Ethics Training:

To "cascade" ethics training further down the ranks of city workers below the upper management levels, we will need to develop a

training program that is more suited to training larger numbers, perhaps in smaller groups.

Mr. Diaz will have the Law Department look into whether there are any collective bargaining or civil service considerations that might emerge in response to a broader training program.

In an effort to find out how some other jurisdictions have established ethics training programs, Mr. Creamer contacted David Keahl is in charge of ethics training for the State of Illinois. Mr. Keahl is in the Office of the Executive Inspector General for the Agencies of the Illinois Governor.

In Illinois, the governor made ethics training mandatory by executive order for all state employees in 2002. The executive order was quickly followed by legislation. The order and legislation created an office of executive inspector general for 5 elected offices and created a state ethics commission. The inspector general's office was made responsible for training all state employees. Illinois determined early on that they could not rely upon lawyers to train all state employees. Accordingly, the state issued an RFP in late 2003 for consultants to design a training program. LRN was selected to develop a web-based training program.

The training program developed by LRN was implemented in January 2004. During calendar year 2004, Illinois trained 120,000 state employees at 40 state agencies, 200 boards and commissions and 9 public universities, all by computer. However, they later had to develop paper packages for boards and commissions because they learned that many board and commission members did not use computers.

The on-line training takes about one hour to complete. There are 10 question "quiz" at the end to verify that the employees have read the material and understand it. New employees have a 30-day window to take the test. The training consists of a number of modules, which focus on topics such as the gift ban, conflicts of interest and the ban on political activities.

Mr. Keahl explained to Mr. Creamer that the web-based, statewide ethics training program created an overwhelming administrative task. The system worked well from a technical standpoint, but LRN does not project manage. Instead, LRN provides you with the tools. Illinois had to: create process to notify employees about training; develop user IDs for security; and create compliance tracking system to follow-up with “slow” employees. Illinois also had to change some of the scenarios LRN developed, because they were drawn from headlines, which led to criticism that they were politicizing the training.

If Philadelphia decides to issue an RFP as Illinois did, Mr. Keahl recommends that we set performance standards for everything expected from the vendor and to define how reliable the system is to be, as well as the responsiveness of technical support.

In addition to speaking with Mr. Keahl, Mr. Creamer also reported to the Board that he met with LRN representative Amy McIlvaine. LRN provides ethics based training to private companies and governments. Mr. Creamer briefed the Board about LRN’s products.

LRN began in 1994 as legal research and analysis consulting firm. In 1994, it began to offer employee handbook services. In 1998, LRN switched from paper to on-line and began legal compliance and ethics consulting. LRN helps clients define a code of conduct; deliver training; evaluate the training; and provide case management tools.

LRN now offers what it calls “the Governance and Ethics Management System” (GEMS). Major clients include Johnson & Johnson, Pfizer, DuPont and Tyco. Their Legal Compliance and Ethics Center provides ethics and compliance education systems. They also provide tools for measuring program scope and effectiveness.

LRN has two categories of training modules. The first category consists of awareness modules that are designed to introduce concepts. The second category includes reasoning modules that are designed to test knowledge and awareness with specific examples. Each module has three components: instruction on an issue; (2) scenarios based on the issues; and (3) a quiz consisting of 8-10 questions. Each module is on-line and is never more than 20 screens.

Video clips can be incorporated. LRN's products can also generate reports and track trends.

While most of LRN's clients are private corporations, they are beginning to work with more governments. In addition to the state of Illinois, LRN is in discussions with several other states and several municipal governments including: NYC Dept. of Personnel; New Jersey; Tennessee; LA (Mayor); and the NY Power Authority. (New York state already has an ethics training program).

LRN's pricing is based on the number of employees trained. Ms. McIlvaine told Mr. Creamer that it would cost \$87,000 to train 18,000 employees. This estimate would include three training modules, which is the minimum LRN requires.

When asked whether LRN had competitors in the government market, Ms. McIlvaine told Mr. Creamer that, although there is a community of ethics training consultants, other firms are not working with governments yet. Integrity Interactive and Midi were identified by Ms. McIlvaine as other companies in the field.

#### **IV. New Ethics Board Office**

Mr. Creamer informed the Board that the Ethics Board Office had been opened on the 10<sup>th</sup> floor of the Municipal Services Building. The numbers for the office are: 215 686-9916 and 215 686-4477 (fax).

#### **V. Other Updates:**

- 1) Newspaper Articles:
  - a. On May 31<sup>st</sup>, the Daily News ran the Board's Op-Ed article, in which the Board called for comprehensive ethics reform.
  - b. On June 10<sup>th</sup>, Mr. Creamer was quoted in a new ethics advice column in the Daily News called "Ms. Demeanor."
- 2) Financial Disclosure Form Update:
  - a. Mr. Creamer told the Board that he had met with Records Commissioner Joan Decker to discuss financial disclosure filings. Between 2000 to 3000 forms (City,

Mayor, and State), have been filed with the Records Department. Mr. Creamer will work with the Records Department in an effort to develop the best approach to review the filing.

3) Continuing Outreach:

- a. Mr. Creamer reported to the Board that he met with Judge Ida Chen on June 13th.
- b. Mr. Creamer will meet with the Inspector General Bill Gill on Tuesday, June 21<sup>st</sup>.
- c. Mr. Creamer will meet with John Contino, Executive Director to the State Ethics Commission, on Friday, June 24<sup>th</sup>

4) COGEL:

- a. Mr. Creamer informed the Board that he had submitted an application to COGEL (Council on Government Ethics Laws). Ms Lillie said that Mr. Creamer should represent the Ethics Board at the COGEL Conference in Boston in December.

**VI. Next Meeting:**

The next meeting of the Philadelphia Board of Ethics will be on Monday, July 11, 2005, from 4:30 pm to 6:30 pm.