

Philadelphia Board of Ethics
Meeting Minutes
February 20, 2020 – 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 Epps, Esq.

Staff Present

J. Shane Creamer, Jr., Esq.
Michael Cooke, Esq.
Jordana Greenwald, Esq.
Jordan Segall, Esq.
Thomas Klemm, Esq.
Bryan McHale
Hortencia Vasquez
Eileen Donnelly

Chair Reed convened the Public Session Meeting at approximately 1:00 p.m.

I. Meeting Minutes

By a 4-0 vote, the Board approved the minutes of the Public Session Meeting held on January 15, 2020, as presented. Board Member Beck was not present for the vote on this matter.

II. Executive Director's Report

Mr. Creamer presented to the Board his Executive Director's Report, a copy of which is attached as Attachment A.

In addition to his report, Mr. Creamer informed the Board that Senior Staff Attorney Jordan Segall would be resigning from his position effective February 28, 2020. On behalf of the Board and its Staff, both the Chair and Mr. Creamer thanked Mr. Segall for his years of dedicated service to both the Board and the City and wished Mr. Segall all the best in his future endeavors.

III. General Counsel's Report

Mr. Cooke presented to the Board his General Counsel's Report, a copy of which is attached as Attachment B.

In addition to his report, Mr. Cooke informed the Board that, as required by the City's Campaign Finance Law, the Finance Director had certified a cost of living adjustment to the contribution limits. The new limits are \$3,100 for contributions from individuals and \$12,600 for contributions from a person other than an individual (i.e., political committees, partnerships, sole proprietorships, or other organizations). Mr. Cooke informed the Board that Staff would notify the public regarding these changes via email, social media, and posting on the Board's website.

APPROVED BY BOARD OF ETHICS ON 04/15/2020

Mr. Cooke also informed the Board of the new Twitter account @EthicsSeal. Mr. Cooke reported that the new Twitter account was already receiving a positive response.

IV. Legislative Update

Mr. Cooke briefed the Board on revised legislation approved by City Council on February 13, 2020 that would amend the Home Rule Charter's political activity restrictions to allow City employees to volunteer for the campaigns of candidates for non-local, statewide, or Federal office, among other changes. The proposed Charter amendment will be submitted to the electorate as a ballot question in the April 2020 primary election.

A discussion arose among Board members and Staff regarding whether the Board should express a position on the proposed change to the Charter. After this discussion, the Board deferred action and agreed to reexamine the matter at a future meeting.

During this discussion, Mr. Cooke informed the Board that legislation to amend the City's Resign-to-Run Rule had also been introduced in early 2020 but that it had not been given a hearing and would therefore not be on the ballot in the April 2020 election.

During this discussion, Board Member Beck arrived at the meeting.

V. New Business

There was no new business presented at the Public Session Meeting.

VI. Questions/Comments

Deputy Chief Integrity Officer Krystle Baker thanked Mr. Segall for his years of City service. She complimented him for his professionalism and work ethic and wished him all the best in his future endeavors.

Chair Reed, pursuant to Sections 708 and 716 of the Pennsylvania Sunshine Act, announced that the Board would meet after the Public Meeting to address non-public advice, confidential enforcement matters, and personnel matters.

The Public Session Meeting of the Board was adjourned at approximately 2:15 p.m.

Attachment A

**Philadelphia Board of Ethics
Executive Director's Report
February 20, 2020**

A. Campaign Finance Compliance

Since the January Board meeting, four political committees have paid late filing penalties in accordance with the Board's procedure for assessing late filing penalties for campaign finance reports. These committees filed reports with the Board earlier in 2019; but failed to timely file required post general election (cycle 6) or 24-hour contribution reports with the Board. The penalty was made payable to the City and deposited into the City Treasury.

1. Friends of Cindy Bass paid a \$3,000 penalty;
2. 17th Ward Democratic Executive Committee paid a \$2,000 penalty;
3. 34th Ward Democrats (Unity 2001) paid a \$1,750 penalty; and
4. ILA Local 1291 PAC paid a \$1,600 penalty.

Board Staff have also posted this late filing information on the Board's website. Enforcement Staff will continue to update the Board about civil monetary penalties they collect on behalf of the City for the late filing of campaign finance reports after they receive penalty checks from the late filers.

B. Financial Disclosure System Update

Last month, I reported that our staff had progressed to the User Acceptance Testing phase of implementing the replacement of the City's electronic Financial Disclosure System. UAT has gone well and OIT is making adjustments to the system based on feedback from us and the Records Department.

As those adjustments are being made, we have been working in the office to clean up the lists of employees and officials who need to file one of or some combination of the State, City, and Mayor's forms. Some of the clean-up involves confirming that the system flags for filers are correctly identifying the forms they are to file. Also, with the launch of a new platform we have an opportunity to do some clean-up of the account database, which has collected fifteen years' worth of duplicate accounts, system work-arounds, and junk that should be inactivated or removed from the system. Hortencia, Eileen, and Bryan are going through the system now to perform that clean-up.

The next steps will be offering trainings to HR administrators in City Departments so that they may learn the administrative functions through which they can assist the filers in their departments; and sending out the communications to filers announcing when the system is open to them to begin filing.

At the next Board meeting we expect that we will report on the launch of the new system.

C. Staff Activities

On February 6th, I participated on a panel at a hearing held by the Delaware County Commissioners to offer perspective on a proposed Ethics reform package that includes rules on pay-to-play, gifts, financial disclosure, and political activity. The other panelists were attorney Adam Bonin, David Thornburgh, President and CEO of the Committee of Seventy, County Controller Joanne Phillips, County District Attorney Jack Stollsteimer, and Rita Waters, a staffer for Congressperson Mary Gay Scanlon.

In my presentation, I explained the three legs of a strong ethics program: clear rules, training, and enforcement. I also shared Philadelphia's experience with ethics reform. The panel itself is part of the process in advancing ethics reform forward in Delaware County and we are always pleased to be of assistance to other jurisdictions by sharing our experiences and best practices.

Attachment B



**CITY OF PHILADELPHIA
BOARD OF ETHICS**

GENERAL COUNSEL REPORT

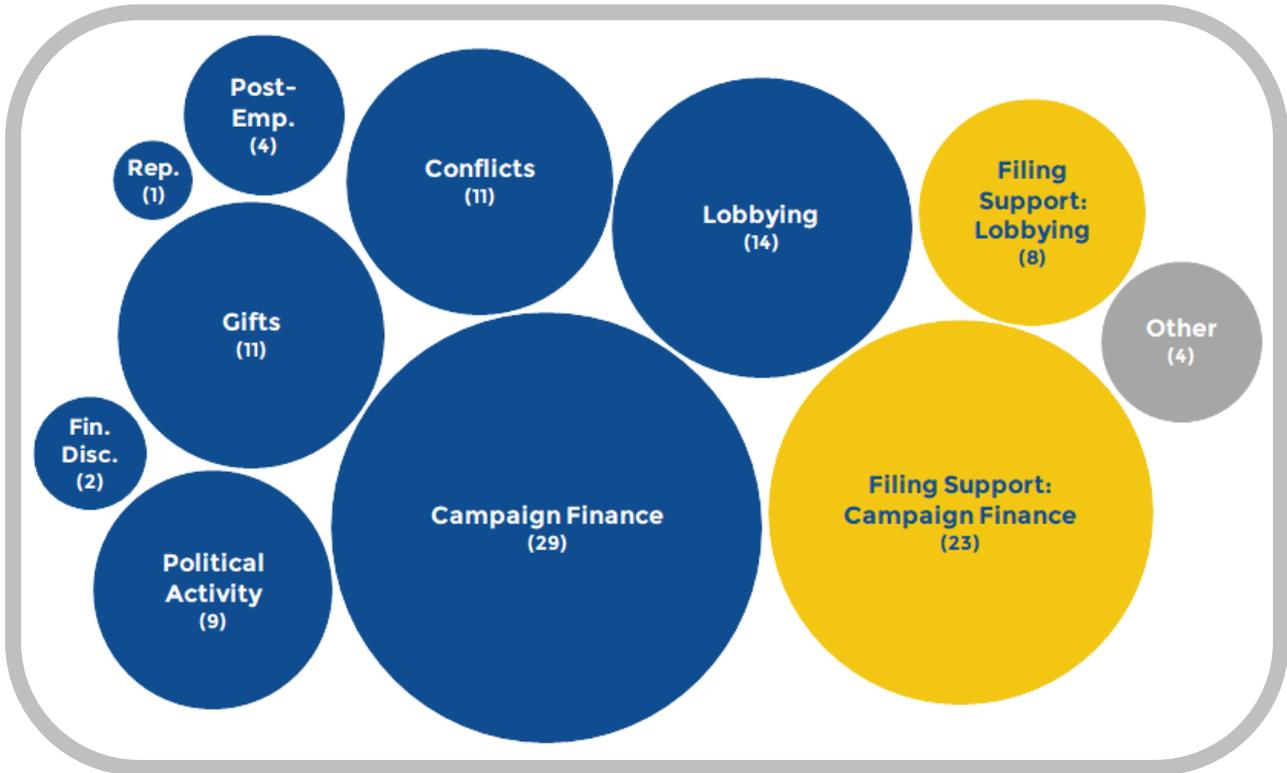
TO: Board Members
FROM: Michael J. Cooke, General Counsel
DATE: February 14, 2020

I. Training

- On January 17th, Jordana and I presented ethics training in two separate sessions for new Council staffers.
- On January 22nd, Jordana and I presented ethics training to the three City Commissioners and their executive staff.
- On January 28th, Hazel and I provided our monthly general ethics training for City employees.
- On January 30th, Jordana and I provided ethics training to new Councilmember Gautier.
- On January 31st, Jordana and I presented an ethics refresher to members of the Administration's "A Team."
- On February 3rd, Hazel and Tom presented ethics training as part of the City's onboarding program.
- On February 5th, Jordana and I provided ethics training to new Councilmembers Thomas and Councilmember Gilmore Richardson in two separate sessions.
- On February 6th and 13th Jordana and I presented an ethics refresher for incumbent Councilmembers.
- On February 12th, Jordana and I provided ethics training to new Councilmember Brooks.
- Next week, Bryan and Tom will present lobbying training to the Pew Charitable Trusts, Hazel and Tom will cover our monthly general ethics training, Jordana and I will go up to State Road to present ethics training to the Prison System's core team, and Jordana and I will provide ethics training for new Council staffers.

II. Informal Guidance for January 2020

Guidance by Topic for January 2020



Questions of Note for January 2020

What conflicts of interest rules apply regarding a City employee and his former private employer?

Assuming there is no continuing financial relationship between the former employer and the City employee, neither the City nor State conflict of interest laws would prevent the employee from taking official action that would affect the former employer.

Can a City official make a video testimonial to support a friend's overseas business project if the official is not paid to make the video and does not have a business or financial relationship with the friend?

Yes.

What City financial disclosure requirements are candidates for State boards or commissions subject to?

None, even if such candidates are nominated by the Mayor, although such individuals may be subject to State financial disclosure requirements.

Can a restricted source pay for refreshments & entertainment for an event where such costs would otherwise be paid for by a City official personally?

A City official cannot accept money (in any amount) from a restricted source, including payment of a caterer's bill for an event. A restricted source could donate non-monetary items such as a food tray, beverages, etc. so long as such gifts (along with any other gifts to the official during the calendar year) did not exceed \$99.00.

Can a City officer attend a retreat organized by a partisan political group where participants will discuss the group's mission strategy?

Yes, so long as (a) the officer does not do so while on duty, using City resources, or using their City position or title; (b) the group does not coordinate its activity with a political party, candidate, or political campaign; and (c) the officer does not in any manner engage in political fundraising activities.

Can a member of a City board or commission serve as a delegate to the upcoming Democratic National Convention?

It depends on what board or commission the individual serves on. As listed at Board Regulation No. 8, Paragraph 8.13, a member of any board or commission that exercises significant powers of government may not serve as a delegate to a political party convention. A member of board or commission not listed at Board Regulation No. 8, Paragraph 8.13 may serve as a delegate to a political party convention.