

**Philadelphia Board of Ethics**  
**Meeting Minutes**  
May 20, 2020 – 1:00 p. m.  
One Parkway Building  
1515 Arch Street, 18th Floor

**Board Present (via video)**

Michael H. Reed, Esq., Chair  
Judge Phyllis Beck (Ret.), Vice-Chair  
Sanjuanita González, Esq.  
Brian McCormick, Esq.  
JoAnne Epps, Esq.

**Staff Present (via video)**

J. Shane Creamer, Jr., Esq.  
Michael Cooke, Esq.  
Jordana Greenwald, Esq.  
Thomas Klemm, Esq.  
Hazel Koshy, Esq.  
Dani Gardner Wright, Esq.  
Bryan McHale  
Hortencia Vasquez  
Eileen Donnelly

Due to the COVID-19 pandemic and related City of Philadelphia governmental shutdown, the meeting was conducted electronically via the video-conferencing operating system Zoom.

Chair Reed convened the Public Session Meeting at approximately 1:00 p.m. At this time, he announced the presence of a quorum.

**I. Meeting Minutes**

By a 5-0 vote, the Board approved the minutes of the Public Session Meeting held on April 15, 2020, as presented.

**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 Staff Attorney Hazel Koshy would be resigning from her position effective June 12, 2020. On behalf of the Board and its Staff, both the Chair and Mr. Creamer thanked Ms. Koshy for her dedicated service and wished her all the best in her 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.

**APPROVED BY BOARD OF ETHICS ON 06/24/2020**

**IV. New Business -- Hiring**

Mr. Creamer discussed the recent resignations of Senior Staff Attorney Jordan Segall and Staff Attorney Hazel Koshy and the need to hire a new Staff Attorney to fill these vacancies. Following this discussion, Chair Reed asked the Board to consider a motion to delegate to the Executive Director the authority to fill a Staff Attorney position, including: 1) the authority to obtain Finance Department approval; 2) the authority to conduct City-mandated background and tax compliance checks; 3) the authority to post the job; and 4) the authority to hire for the position and to set the position's salary after conferring with the Chair. Board Member Beck made such a motion which was seconded by Board Member Epps. The Board then voted 5-0 to approve the motion.

**V. New Business – COGEL 2020 Conference**

Mr. Creamer informed the Board that due to the COVID-19 pandemic, the December 2020 COGEL Conference in Atlanta will be held remotely rather than in person.

**VI. Questions/Comments**

Adam Bonin thanked the Board for their hard work and responsiveness during the City of Philadelphia government shutdown. He stated that he found the “Questions of Note” in the General Counsel Report to be useful and informative and that it would be helpful for this information to be easily accessible to the public.

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Chair Reed, pursuant to Sections 708 and 716 of the Pennsylvania Sunshine Act, announced that the Board had met prior to 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 1:30 p.m.

# Attachment A

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

**A. FY21 Budget Update**

On May 1, 2020, Mayor Kenney submitted a revised FY21 budget to City Council, due to the significant economic impact of COVID-19. In that revised budget, the Board's budget has been reduced by \$130,568 (just under 12% of our budget). This reduction has been applied to our class 100 budget. We have also had our budgeted positions reduced from 12 to 10. Even with this reduction in class 100 (from \$1,041,630 to \$911,062), the Board will still have \$130,000 left in class 100 to hire into one vacant position in FY21.

Our revised FY21 budget also included a \$24,978 reduction for "Exempt Salary Reductions and Furloughs (FY21 only)," but after we reminded the Budget Office that the Board is independent from the Administration, we were told that the \$24,978 will be restored to our FY21 budget by amending the budget ordinance before it is approved by City Council.

**B. Lobbying System Contract Update**

One of the Board's three disclosure systems is our Lobbying Information System. The system was launched in 2014 through an RFP process awarded to Acclaim Systems, Inc. and paid for through the Office of Innovation and Technology (OIT). The contract covered the initial design and ongoing maintenance and support costs for the system. Acclaim also handles the Commonwealth of Pennsylvania's Lobbying Disclosure System.

City contracts generally work over 1-year intervals. Each subsequent year is an amendment to the contract. In the spring we go through the process of conforming the amendment to our contract to maintain our maintenance and support services through Acclaim. This year's amendment was conformed on 3/17/20 and will run through 3/31/21.

We continue to have a smooth working relationship with Acclaim. Bryan holds bi-weekly phone calls with Acclaim's developers to address any issues that come up. We are now in our seventh filing season with PLIS and the system has shown itself to be a stable platform for our disclosure needs.

**C. Financial Disclosure Update**

In April, the State Ethics Commission, the Board of Ethics, and the Mayor's Office all took action to move the date Statements of Financial Interests would be timely filed from May 1 to July 15, 2020. Since the April Board Meeting, Board staff has continued to work with the Chief Integrity Officer, OIT, and the Records Department to launch our new Financial Disclosure Filing System.

Initially, staff from Ethics, CIO, OIT, and Records acted as test filers in the live system to confirm its stability and work out any final problems in the system. We have since expanded our test group to include the Law Department, both to continue checking for bugs and to get feedback on how intuitive the system is to use from a filing group that has not yet seen the new system.

Hortencia and Bryan have also begun training the department financial disclosure admins on the features they have to assist the filers in their department and track compliance.

We continue to be on course to open the system to all filers on Monday, June 1st and will be sending out communications to filers about the availability of the system and how to use it during the week after Memorial Day.

# Attachment B



**CITY OF PHILADELPHIA  
BOARD OF ETHICS**

**APRIL GENERAL COUNSEL REPORT**

**TO:** Board Members  
**FROM:** Michael J. Cooke, General Counsel  
**DATE:** May 15, 2020

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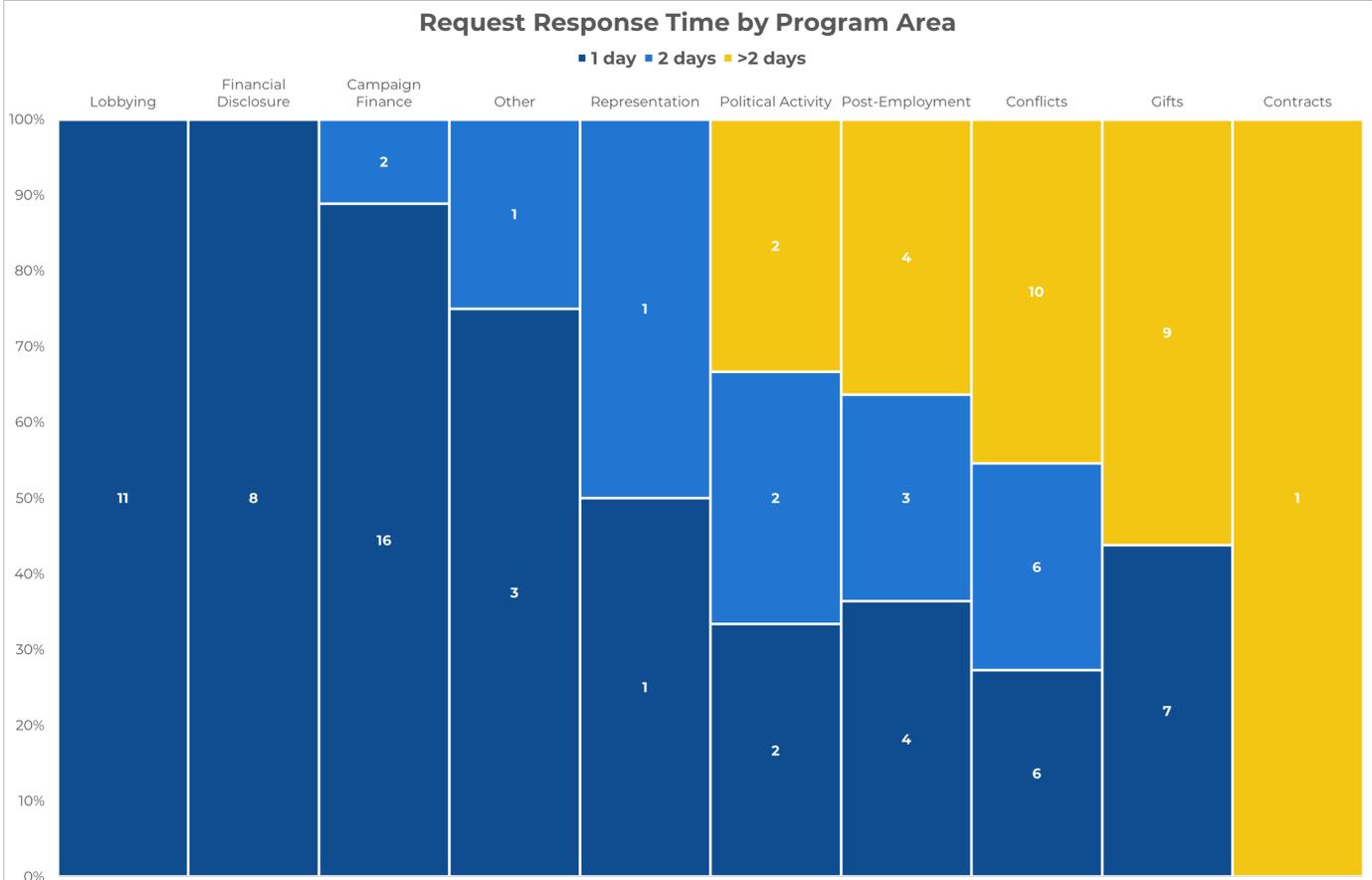
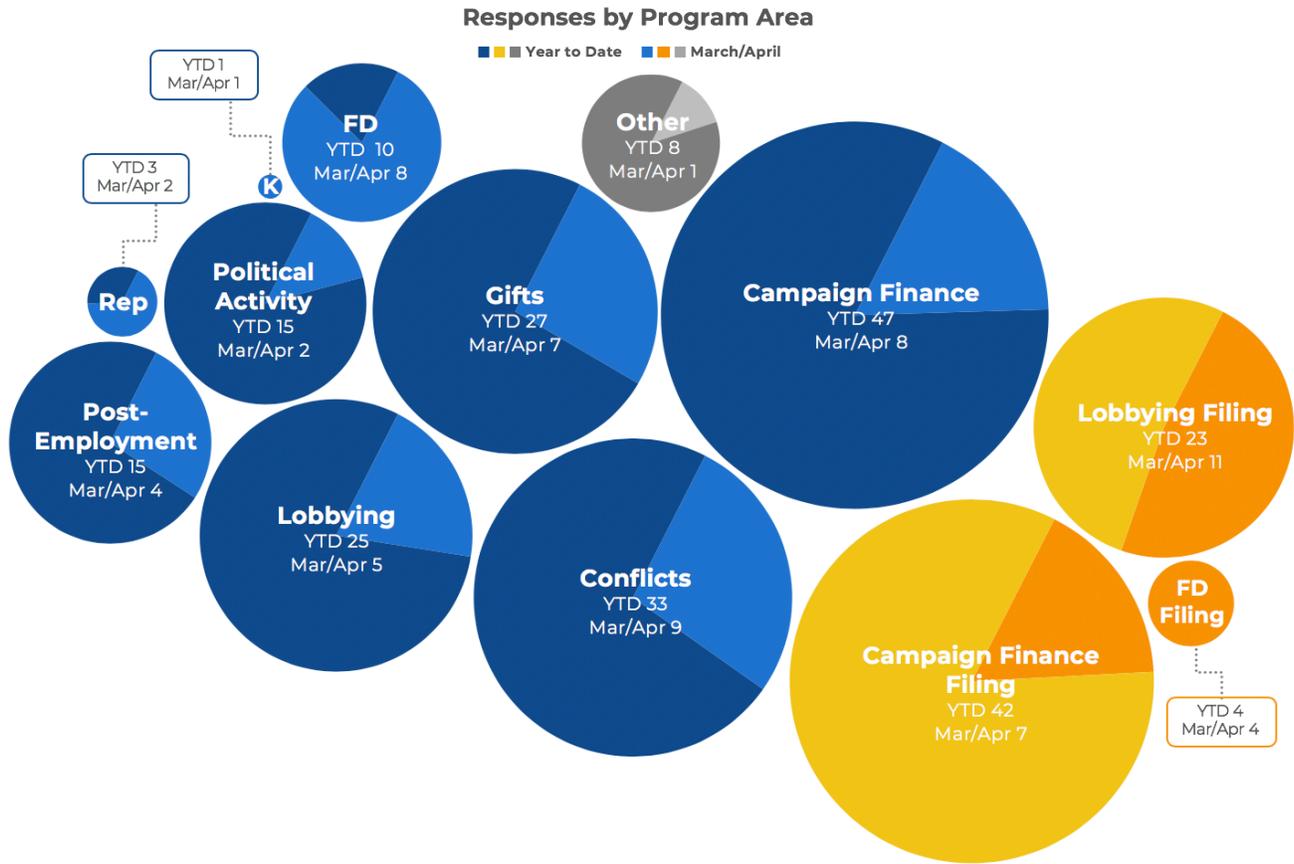
**I. Advisory Opinions**

On April 28, 2020, the Board issued Non-Public Advisory Opinion 2020-003. The Opinion responded to a City employee who wanted to know whether the City's ethics rules would permit the employee to bid on construction projects advertised by the City or other local government entities. The Board advised that the Home Rule Charter prohibits City employees from soliciting or entering into contracts involving Rebuild or the Restore Repair Renew program. The Charter also significantly limits the ability of City employees to bid on Philadelphia Housing Development Corporation's Home Improvement Programs. In addition, the Board advised that the Ethics Code would prohibit the requestor from representing their wholly owned LLC in transactions involving the City. Lastly, the Board noted that the employee must also comply with the conflict of interest requirements if they could impact their business' financial interest through official action. A copy of the redacted Opinion follows my report. The Opinion has been posted on the Board's website, distributed to our Advisory Opinion email list, and announced on Twitter.

**II. Training**

- On May 12<sup>th</sup>, Hazel and Tom presented general ethics training to six City employees via Zoom.
- On May 28<sup>th</sup>, Dani and I will provide ethics training to Police Commissioner Outlaw via Zoom.

### III. Informal Guidance for March and April of 2020



## **Questions of Note for March and April 2020:**

### **Can a City employee solicit donations for professional organizations they are members of?**

As long as they are not using the authority of their office or City resources, City employees can generally solicit funds in their personal capacity for organizations they are members of, so long as they are not partisan political groups. It is recommended, however, they do not solicit contributions from a would-be donor if that potential donor is seeking, has recently sought, or in the foreseeable future will seek official action from the City employee.

### **Can a City employee with an outside business that involves planning a job fair invite/permit paid participation by City agencies at the job fair?**

No, this would be a violation of Charter Section 10-102 as the payments from the City agencies to attend the job fair would constitute a prohibited contract between the City employee and the City.

### **Can a City employee engage in consulting work, based in part on the expertise of their City job, as part of a contract to provide services to another city?**

Yes. To the extent, however, the outside employer ever seeks official action from the City employee or the employee can take official action that affects the outside employer, conflicts of interest issues may arise.

### **Can City Councilmember or staff make requests to local banks and businesses to support the COVID-19 Small Business Relief Fund and other non-profits providing aid regarding COVID-19 issues?**

Yes, this would be permissible as long as the Councilmember and the staff members are not members of the non-profits receiving the donations.

### **Does a City official need to report as a gift being on a guest list for free attendance at an event if the City official never attends the event?**

No, this does not need to be reported as a gift. Unlike a ticket that is received but not used, in this case, the potential benefit is neither tangible nor transferable. As such, if the City Official does not attend, they did not actually receive anything of financial value and there is no gift to report for financial disclosure purposes.