

2014 General Counsel Opinions

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
2014-506 Non-public Advisory Opinion	11/7/14	Advised City official considering accepting outside employment as an independent contractor sales consultant with a local technology company that City ethics laws do not prohibit the official from employment and other financial interests outside City government, but the official must abide by City ethics laws while engaged in outside work. The official (1) must not perform outside work using City facilities or resources (including equipment, materials, and staff time); (2) must disclose outside employment, sources of income, and financial interests on annual financial disclosure statements; and (3) must avoid (a) conflicts of interest, (b) prohibited interests in certain City contracts, (c) assisting a person as agent or attorney in a transaction involving the City and (d) disclosing confidential City information. The official's proposed work as a sales consultant appears to avoid an intersection between the official's City duties and personal financial interests, the financial interests of the employing company, and the financial interests of the official's potential sales targets/clients.	OUTSIDE EMPLOYMENT; SALES CONSULTANT; INDEPENDENT CONTRACTOR; CONFLICT OF INTEREST; LARGE CLASS/LARGE GROUP EXCEPTION; INTEREST IN CITY CONTRACT; REPRESENTATION RESTRICTION; TRANSACTION INVOLVING THE CITY; CONFIDENTIAL INFORMATION; SALES TARGETS/CLIENTS
			Code §§20-601, 20-602, 20-607, 20-608, 20-609, 20-610; Charter §§10-100, 10-102; Board Opinions 2012-001, 2009-003, 2014-001, 2014-004
2014-505 Non-public Advisory Opinion	10/20/14	Advised City employee attending and participating as member of the wedding party in wedding of fellow City employee within the same City agency marrying an individual who lobbies employee's City agency. Prior interactions with the couple by the City employee in an official capacity were limited. The employee was not a restricted source for the co-worker, and neither member of the couple was a restricted source for the employee. Under the circumstances, the City gift law did not prohibit the employee providing a wedding gift to the couple or accepting a gift from the couple, and it did not limit the value of these gifts. The City employee was also permitted to attend the wedding reception.	GIFT; OFFICIAL ACTION; FINANCIAL INTEREST; LOBBYING; WEDDING RECEPTION; MARRIAGE; MAJOR LIFE EVENT EXEMPTION; GRATUITY; RESTRICTED SOURCE
			Charter §10-105; Code §§20-601, 20-604; Board Opinion 2014-003; 65 Pa.C.S. §§1103, 1104, 1105

2014-504 Non-public Advisory Opinion	8/29/14	<p>Advised an individual who is employed by and lobbies on behalf of a registered principal that the City lobbying law does not require the principal to report hospitality that the employee will provide to various City officials who will be guests at the employee's wedding reception. The hospitality provided at the wedding reception would not constitute reportable lobbying under the circumstances provided, including that: (1) the wedding is a personal occasion that does not indicate a purpose of advancing the interests of the principal to influence legislative or administrative action (assuming there would be no direct communications because requestor planned to interact in a purely social manner with the City officials); (2) the invited City officials are long-standing personal acquaintances of the employee, the employee's spouse, and their families; (3) and the employee and the employee's spouse – not the principal – will be paying for the wedding and will not be reimbursed by the principal.</p>	<p>LOBBYING; HOSPITALITY; WEDDING RECEPTION GUESTS; LOBBYIST; PRINCIPAL; DIRECT COMMUNICATION; ADVANCE INTERESTS OF PRINCIPAL; REPORTING REQUIREMENTS FOR REGISTERED PRINCIPALS; PERSONAL OCCASION; PURELY SOCIAL INTERACTION</p> <p>Code §§20-1201, 20-1203; Regulation 9</p>
2014-503 Non-public Advisory Opinion	8/26/14	<p>Advised City employee about how the ethics laws would apply to the employee's future post-City employment with a non-profit organization that receives funding pursuant to a City contract with the employee's City agency. The employee's new position would not raise an issue under the two City post-employment restrictions. The employee had not taken official action on the non-profit's current City contract, and any City contracts the employee had taken action on as a City employee had expired. The employee would be financially interested in an entity if the employee applied for a job with the entity or if the entity made a job offer to the employee. To avoid a prohibited conflict of interest if the City employee is in a position to take action on a matter involving a future employer, the City employee should publicly disclose the financial interest and disqualify him or herself from taking official action.</p>	<p>POST-EMPLOYMENT RESTRICTIONS; CONFLICT OF INTEREST; NONPROFIT; TRANSACTION INVOLVING THE CITY; NEW EMPLOYER WITH CITY CONTRACT</p> <p>Code §§20-607(c), 20-608(1)(c), 20-603(1), 20-601(27); 65 Pa. C.S. §§1101, 1102, 1103(g)</p>

2014-502 Non-public Advisory Opinion	6/4/14	<p>Advised a City board member about conducting work for the member's private employer to re-grant funds to a non-profit organization that may use the funds to establish a staff position that would support the requestor's City board. The City conflict of interest provision does not prohibit taking private action that benefits the requestor's City board. The requestor would not be taking action as a City board member on a matter in which the requestor or the requestor's employer has a financial interest. The representation restriction would not apply because neither the requestor nor a member of the private employer would be representing anyone before the board member's City board or any other City agency.</p>	CONFLICT OF INTEREST; BOARDS & COMMISSIONS; WORK FOR EMPLOYER; NONPROFIT; GRANT; REPRESENTATION
			Code §§20-602, 20-607, 20-609
2014-501 Non-public Advisory Opinion	5/7/14	<p>Advised a City official that the recently-amended City gift restriction would not prohibit the official's acceptance of an out-of-state non-profit's offer to pay for airfare, accommodations, and a dinner reception at the non-profit's annual conference. The official would serve as a panel presenter at the conference, discussing topics both related and unrelated to the official's City work. The non-profit does not seek official action from the official or the official's City agency, and it has no interest in any official action taken by the official or the agency. The non-profit's offer is also not a prohibited gratuity. If the value of the airfare and other conference-related items are worth \$200 or more, the items would need to be disclosed as gifts on the City financial disclosure form.</p>	GIFT; NONPROFIT CONFERENCE; CONFERENCE PRESENTER; TRAVEL; ACCOMMODATIONS; AIRFARE; DINNER RECEPTION; FINANCIAL DISCLOSURE; GRATUITY
			Charter §10-105; Code §§20-604, 20-610