

2014 Board Opinions

Board Opinion No.	Date Issued	Brief Description	Key Words
			Citations
2014-004 Non-public Advisory Opinion	9/17/14	<p>Advised City employee that the Code representation restriction would prohibit the employee from being the lead person communicating and negotiating with the City on behalf of the employee's civic association in its application for a grant from a City agency. By contrast, the employee's proposed conduct internal to the civic association would not be prohibited by the representation restriction, including: (1) remaining on the civic association board while it pursues a City grant; (2) voting on a civic association board motion about whether to pursue the grant; (3) participating as a board member in the civic association's consideration and formulation of the grant application; (4) voting on the civic association's zoning committee's feedback to the City on a zoning application; (4) conducting research about zoning applications; and (5) voting as a board member to appeal a decision of the Zoning Board of Appeals to the Court of Common Pleas.</p>	PROHIBITED REPRESENTATION; REPRESENTATION RESTRICTION; CIVIC ASSOCIATION; AGENT; ATTORNEY; NON-PROFIT BOARD; TRANSACTION INVOLVING THE CITY; INTEREST IN A CITY CONTRACT; CONFIDENTIAL INFORMATION; ZONING BOARD OF APPEALS
			Code §§20-601, 20-602, 20-609; Charter §10-102; Pa. C.S. §§1102, 1103, 1104, 1105
2014-003 Non-public Advisory Opinion	9/17/14	<p>Advised City employee on the application of the recently amended Code gift restriction to various scenarios related to the employee's upcoming wedding. The City employee was permitted to: (1) provide wedding reception hospitality to City officers and employees (who were permitted to accept the hospitality) at a non-ticketed event celebrating a major life event; (2) give a gift to a member of the wedding party who works for the head of the employee's City agency and for whom the employee is not a restricted source – a person seeking official action or a person who has a financial interest the City employee can substantially affect through official action; (3) accept gifts from a City superior, certain guests who are co-workers, and other guests, none of whom are restricted sources for the employee. The gift law limits gifts to City employees from restricted sources and lists certain non-cash gifts that a City officer or</p>	GIFTS; WEDDING; WEDDING RECEPTION; WEDDING GIFTS; WEDDING GUESTS; OFFICIAL ACTION; HOSPITALITY; RESTRICTED SOURCE; GIFT LAW EXEMPTIONS; MAJOR LIFE EVENT EXEMPTION; MEMBER OF WEDDING PARTY; SUPERIOR; SUPERVISOR; SUBORDINATE EMPLOYEE; CO-WORKERS
			Code §§20-601, 20-604; 65 Pa. C.S. §§1103, 1104, 1105

		employee may accept, but not solicit, notwithstanding the fact that the person giving the gift is a restricted source. The Board interpreted this list of exemptions to mean not only that City employees may accept such gifts but also that restricted sources may offer or give these gifts to City officers and employees in unlimited values.	
2014-002 Non-public Advisory Opinion	9/17/14	<p>Advised City elected official that Charter Subsection 10-107(3) did not prohibit the elected official from personally soliciting a political contribution for the official's authorized political committee from an individual who is not a City officer or employee. In contrast to prior interpretation by the City Solicitor, the Board concluded that City elected officials may personally solicit contributions if the circumstances do not involve a risk of coercion or misuse of office. Examples of such circumstances where solicitation by a City elected official would be prohibited by Charter Subsection 10-107(3) include solicitation of political contributions from an appointed City officer or employee; solicitation from a person who is seeking action from the City elected official; solicitation on City-owned or leased property or while using City resources; and solicitation in a manner that links the requested contribution to official action.</p>	POLITICAL FUNDRAISING RESTRICTION; ELECTED OFFICIAL; POLITICAL CONTRIBUTION; SOLICITATION/SOLICIT; CANDIDATE POLITICAL COMMITTEE; FUNDRAISE/FUNDRAISING; POLITICAL ACTIVITY; OFFICIAL ACTION; COERCION; MISUSE OF OFFICE
			Charter §10-107(3); Solicitor Opinion No. 93-6
2014-001 Non-public Advisory Opinion	7/16/14	<p>Advised City employee that leasing an office space the employee owns in exchange for rental payments from the City was in contravention of Charter Section 10-102, which prohibits City employees from having a direct or indirect interest in any contract for the purchase of property of any kind that is paid for by funds from the City Treasury. Charter Section 10-102 prohibits City officers and employees from having an interest in certain City contracts regardless of whether any connection exists between their official duties and those contracts. The Opinion also described the history behind Section 10-102. The City employee was advised to act expeditiously to terminate the lease.</p>	INTEREST IN CITY CONTRACT; REAL PROPERTY PURCHASE/LEASE; RENTAL PAYMENT; CONTINUING COURSE OF CONDUCT
			Charter §10-102; <i>Golden Motors v. Southern Motors</i> , 9 Phila. Co. Rptr. 212, 219 (1983)