

Photo Credit: Bryan McHale

# **City of Philadelphia Board of Ethics**

**Annual Report**

**September 2018**

**Honesty | Integrity | Transparency**

**City of Philadelphia  
Board of Ethics**

**Honesty, Integrity, Transparency**

Michael H. Reed, Esq.  
*Chair*

Judge Phyllis W. Beck (Ret.), Vice Chair  
*Vice-Chair*

Sanjuanita González, Esq.  
Brian J. McCormick, Jr., Esq.  
JoAnne A. Epps, Esq.  
*Board Members*

Philadelphia's Board of Ethics was created by an amendment to the Philadelphia Home Rule Charter that voters approved via a ballot question at the May 2006 primary election. The Board is charged with administering and enforcing all provisions of the Charter and City Code that pertain to ethical matters, and such additional duties as City Council may assign. The Board has jurisdiction over City laws pertaining to conflicts of interest, representation and post-employment restrictions, gifts and gratuities, financial disclosure, interests in certain City contracts, campaign finance, prohibited political activities, and lobbying. The Board renders advisory opinions, promulgates regulations, and offers trainings on how to comply with the laws within its jurisdiction. The Board also has the power to conduct investigations and enforce the laws over which it has jurisdiction.

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# **Philadelphia Board of Ethics FY 2018 Annual Report**

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## *Message from the Chair*

On behalf of the members of the Board of Ethics, I welcome this opportunity to report on the Board's accomplishments during Fiscal Year 2018. This Report describes the Board's efforts to fulfill its Charter-mandated responsibility to administer and enforce "all provisions of . . . [the] Charter and ordinances pertaining to ethical matters." These ethical matters, collectively known as the City's Public Integrity Laws, include the Campaign Finance, Ethics, Lobbying, and Financial Disclosure Laws and the Charter's political activity restrictions. As in past annual reports, this Report summarizes and quantifies our activities during the past year to promote honesty, integrity and transparency in City government. In this Report we also attempt to assess our progress and identify our needs for the future.

Our staff provides a wide variety of services to the public and to City employees and board and commission members on a daily basis. On any given day, each staff member works on one or more of the following: providing guidance on compliance with the Public Integrity Laws; assisting the public with access to the campaign finance and lobbying databases on the Board's website; developing and presenting ethics and campaign finance training; helping individuals and entities file campaign finance, lobbying, and financial disclosure reports; and performing investigative and enforcement activity. The result is a volume of work that belies the small size of our staff.

Having been a member of the Board since 2011, I recognize that we have entered a new phase of growth. It is not growth in size because our staff and budget remain static. Rather, the Board's responsibilities and the demands on our staff have grown and are a constant challenge to our ability to respond with our current level of resources. In order to continue providing the high level of service to which we are committed, we must find ways to use our limited resources as effectively and efficiently as possible.

For example, in this Report we will mention three on-going software development projects that now occupy a significant portion of the time of three staff members. Two projects will replace old legacy software systems and the other will enhance an existing system. These are large, time-consuming projects, but they are necessary to enable the Board and its regulated communities to achieve the goals of the Public Integrity Laws. By taking advantage of opportunities offered by improved technology, these projects will enable us to expand the reach of our small staff.

With all of this in mind, the Board, our staff, and I pledge our continued service to Philadelphia and the public and look forward to the challenges of the next year.

Michael H. Reed, Esq., Chair  
Philadelphia Board of Ethics

## *Members of the Board of Ethics*



**Michael H. Reed, Esq., Chair**, is special counsel in the Philadelphia office of Pepper Hamilton LLP where he is a member of the firm's Corporate Restructuring and Bankruptcy Practice Group. He is a member of Temple University's Board of Trustees and of the Board of Trustees of the Academy of Natural Sciences of Drexel University. Mr. Reed is a 1969 graduate of Temple University (B.A. Pol. Sci) and received his J.D. from Yale Law School in 1972. He has been associated with the firm of Pepper Hamilton LLP since 1972. Mr. Reed is a past President of the Pennsylvania Bar Association and is the State Delegate for Pennsylvania in the ABA House of Delegates, having previously served on the ABA's Board of Governors. Mr. Reed was previously a member of the Pennsylvania Judicial Inquiry and Review Board and chaired the Professional Guidance (Ethics) Committee of the Philadelphia Bar Association. Prior to being selected as Chair, Mr. Reed served as Vice-Chair of the Board of Ethics. His term runs until November 2020.



**Judge Phyllis W. Beck (Ret.), Vice-Chair**, served 25 years on the Superior Court of Pennsylvania. She was the first woman elected to that office. Before becoming a judge, she spent many years in private practice and she served as a vice dean of the University of Pennsylvania Law School. After retirement from the Superior Court, she was general counsel of The Barnes Foundation, served as a mediator for the Superior Court, and now serves as a mediator and arbitrator. She is the appeals judge for the Chester Housing Authority. Judge Beck currently serves as Chair of the Independence Foundation, President of the Beck Institute for Cognitive Therapy, member of the State Board of Pennsylvanians for Modern Courts, and member of the Board of the Foundation of the Free Library of Philadelphia. Her term on the Board of Ethics runs until November 2022.



**Sanjuanita González, Esq.**, practices in the areas of Immigration and Social Security Disability law at Sanjuanita González Law Firm, a Center City Philadelphia law firm. Ms. González is a former President of the Council of Spanish Speaking Organizations (Concilio), the oldest Latino community based organization in Pennsylvania. She previously served on the Board of Governors of the Philadelphia Bar Association. Ms. González is a member of the American Immigration Lawyers Association; the Philadelphia Bar Association; the Hispanic Bar Association; and the National Organization of Social Security Claimants' Representatives. Ms. González's term on the Board runs until November 2018.





**JoAnne A. Epps, Esq.**, became Executive Vice President and Provost of Temple University in July 2016. Prior to assuming that role, she was a member of the faculty of Temple Law School since 1985 and served as Dean of Temple Law School from 2008-2016. She is the author and co-author of several books and articles on Evidence and Trial Advocacy. Commemorating Black History Month, in February 2015 U.S. Senator Robert P. Casey, Jr. honored Epps at the U.S. Senate. From March 2015 until January 2017, Epps was the chair of a Police Community Oversight Board created by Mayor Michael Nutter. In June 2017, Epps was honored by *The Legal Intelligencer* as a Distinguished Leader in her field. In May 2017, Epps received the Consular Award on Italian National Day by the Consulate General of Italy and was also the recipient of the Inaugural JoAnne Epps Award by the Barristers' Association of Philadelphia. In November 2016, Epps was honored by *The Philadelphia Inquirer* as one of the inaugural class members of the Philadelphia Business Hall of Fame. In 2015, the National Association of Women Lawyers presented her with the M. Ashley Dickerson Award for her work towards diversity in the legal profession. In 2014, Epps was awarded the Justice Sonia Sotomayor Diversity Award by the Philadelphia Bar Association and in 2009 received the Association's Sandra Day O'Connor Award for her efforts to advance women in the profession and the community. A three-time honoree by *Lawyers of Color Magazine* as one of the 100 most influential black lawyers in the country, Epps was named by *National Jurist Magazine* in 2013, 2014, 2015 and 2016 as one of the 25 most influential people in legal education. In February 2018, Epps became an independent trustee for PREIT and will serve as a member of the Nominating and Governance Committee. She serves on several non-profit Boards, is a Director for the American Bar Association Retirement Funds, and is the court-appointed monitor of the settlement of the lawsuit challenging Philadelphia's stop and frisk activity. Epps is a former Deputy City Attorney for the City of Los Angeles and Assistant United States Attorney for the Eastern District of Pennsylvania. Her term on the Board runs until November 2019.



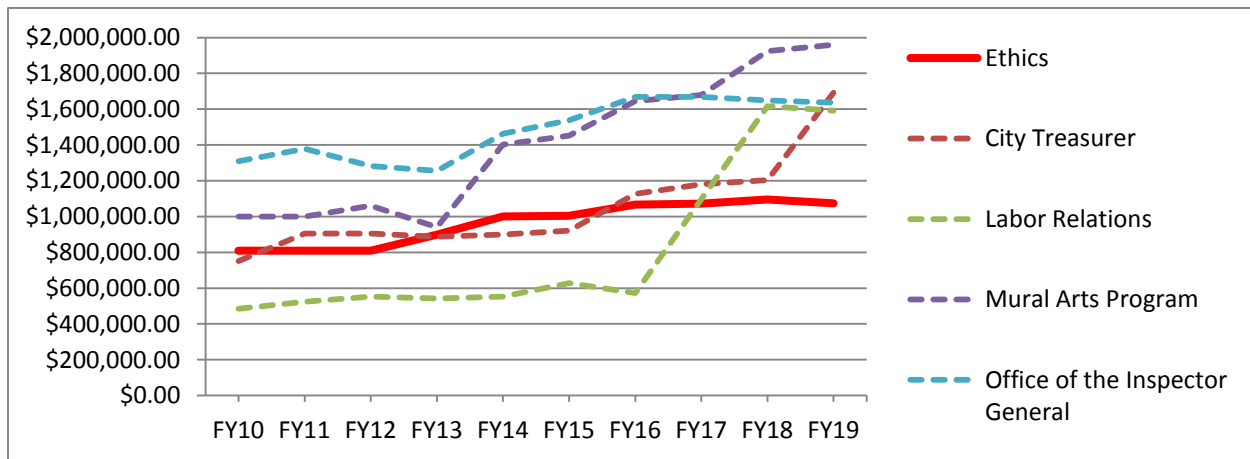
**Brian J. McCormick, Jr., Esq.**, is a partner with the law firm of Ross Feller Casey, LLP in Philadelphia. He has a national practice that includes pharmaceutical injury and products liability mass tort litigation, as well as representing whistleblowers in *qui tam* and fraud actions involving the waste of government funds and resources. Mr. McCormick received his J.D. from Rutgers University School of Law and is a graduate of the University of Richmond. Before being appointed to the Board of Ethics, Mr. McCormick was selected by Philadelphia Mayor Michael Nutter to serve on the Mayor's Task Force for Campaign Finance and Ethics Reform, which produced a final report in late 2009. A number of the recommendations in that report have been enacted in Philadelphia. Mr. McCormick formerly served as a member of The Committee of Seventy, the Philadelphia nonpartisan watchdog group. Before attending law school, Mr. McCormick served as an analyst with the FBI in its Philadelphia office, and also worked as a newspaper reporter in the Philadelphia area. Mr. McCormick's term on the Board runs until November 2021.

## Message from the Executive Director



As the Board enters its thirteenth year of operation, our principal challenge continues to be managing increasing demand with stagnant funding and resources, while also retaining highly skilled staff. Although the Board has seen major new responsibilities assigned to it and has experienced significant increases in its workload over the years, the Board's budget is only seven percent more than it was in FY 2008, which was our first fiscal year. The Board's relatively flat budget over the years seems like an outlier compared to at least some other City agencies with comparable budgets that also rely on the General Fund, beginning in FY10.

The graph below compares the Board's budget (in red), beginning in FY10, when our budget was reduced by 20% to \$800k from its original \$1m budget, to several other City agencies with budgets close to the Board's budget in that same fiscal year.



Stagnant funding means that the Board has never been able to add even a single staff member to its original complement of twelve. Yet, over the past twelve years, the scope and scale of our responsibilities have increased significantly.

For example, in 2010, the Board was tasked with implementing, administering and enforcing the new Lobbying Code *with no additional funding*. Stagnant funding and the resulting inability to add a single new staff member also means that the Board has had to prioritize and triage its tasks, which means some things might take more time, or we can't do as much of it as we would prefer (like training), or, in a few instances, certain tasks simply don't get done at all (like promulgating more regulations to provide guidance on how to comply with the rules).

While the Board's accomplishments over the past twelve years have been remarkable, despite flat funding and the inability to add a single staff member, it is not sustainable over time. That said, it wouldn't take much money to make a difference. An additional \$50k would enable the Board to create a new staff position, and \$100k might be enough to fund two new positions.

The Administration's FY19 budget has left the Board's budget unchanged from FY18. When we begin the FY20 budget cycle in the coming months, the Administration needs to seriously consider adding more money - even a relatively modest amount - to the Board's budget.

Until the Administration gives the Board a budget that matches its responsibilities and needs, we will nevertheless continue to strive to fulfill the Board's broad mandates with diligence and fairness.

J. Shane Creamer, Jr., Esq.  
Executive Director  
Philadelphia Board of Ethics



Swearing in Ceremony on June 27, 2018 for Vice-Chair Beck. Pictured are (l – r): Board Member JoAnne A. Epps, Board Chair Michael H. Reed, Vice-Chair Phillis W. Beck, Judge Alice Beck Dubow, and Board Members Sanjuanita Gonzalez and Brian J. McCormick.



## ***Board of Ethics Staff Members***

**J. Shane Creamer, Jr.** has been Executive Director to the Philadelphia Board of Ethics since it was reconstituted in November 2006. Previously, he served as the Executive Director of the City's advisory Board of Ethics, and was Assistant Secretary of Education and Assistant Managing Director for the City of Philadelphia. Before joining City government, he was a partner with Duane, Morris & Heckscher. Mr. Creamer served as a member of the Steering Committee of the Council on Governmental Ethics Laws (COGEL). A Philadelphia native, Mr. Creamer is a graduate of Gettysburg College and Villanova University School of Law.

**Nedda Gold Massar** is Deputy Executive Director of the Board of Ethics. Prior to her appointment to that position in November 2007, for more than 21 years she was a staff member of the New Jersey Election Law Enforcement Commission (ELEC) where she served ELEC as a staff attorney, the Director of the Gubernatorial Public Financing Program, Deputy Legal Director, and Legal Director. Ms. Massar is a past president of the Council on Governmental Ethics Laws (COGEL). She is a graduate of the University of Pennsylvania and Rutgers Camden School of Law.

**Maya Nayak** was appointed as the Board's General Counsel in 2013. She had served as the Board's Associate General Counsel since 2008. Previously, Ms. Nayak was a litigation associate with Hangley Aronchick Segal Pudlin & Schiller and was a law clerk to the Honorable Berle M. Schiller in the U.S. District Court for the Eastern District of Pennsylvania. She holds undergraduate and law degrees from Yale University.

**Michael J. Cooke**, Director of Enforcement, joined the Board in April of 2008. Mr. Cooke was formerly an associate at the Philadelphia firm Burke O'Neil LLC and a Staff Attorney at the Pennsylvania Institutional Law Project. Mr. Cooke graduated from Northeastern University School of Law in 2002.

**Hortencia Vasquez** joined the Board in 2008 and is the Board's Legal Services Clerk. A native of the Virgin Islands, she came to Philadelphia 14 years ago and attended Cite Business School, taking computer-related courses. Before joining the Board, she was an intern with the Police Advisory Commission. She is bilingual in Spanish and English.

**Bryan McHale** joined the Board in September 2012 as a Public Integrity Compliance Specialist. He is currently the Board's Public Integrity Compliance Services Supervisor. A Philadelphia native, he holds a bachelor's degree in political science from Temple University. Mr. McHale has worked for the U.S. Census Bureau and the Internal Revenue Service and prior to joining the Board was a facilitator at public meetings for the Penn Project for Civic Engagement.

**Jordan E. Segall** joined the Board in July 2014 as a Staff Attorney. Before joining the Board, Mr. Segall served as a Senior Investigator for the Office of the Inspector General for the City of Philadelphia. He is a native of Baltimore, MD and a graduate of the American University in Washington, D.C. and the University of Pittsburgh School of Law.

**Diana Lin**, Associate General Counsel, joined the Board's staff in June 2015. Ms. Lin was formerly an associate at Cozen O'Connor in the commercial litigation department. She is a graduate of Temple University Beasley School of Law, Harvard Graduate School of Education and Yale University.

**Thomas E. Klemm** joined the Board in November 2015 as a Staff Attorney. Before joining the Board's staff, Mr. Klemm was a litigation associate at White and Williams, LLP specializing in reinsurance and insurance-related disputes. He is a native of the Washington, D.C. metropolitan area and is a graduate of St. Mary's College of Maryland and the George Washington University Law School.

**Eileen Donnelly** joined the Board of Ethics in June 2016 as an Administrative Technical Trainee. She is serving as a Board of Ethics Public Integrity Compliance Specialist. A Philadelphia native, she holds a bachelor's degree in business/organizational management from Gwynedd Mercy University. She has worked for the City of Philadelphia since August, 1997 in various administrative roles. Prior to joining the Board of Ethics, Eileen was an Executive Secretary to the Deputy Commissioner of Technical Services in the Philadelphia Fire Department.

## ***Training and Outreach***

Since its inception in late 2006, the Board has operated under the assumption that training about all Public Integrity Laws, not just the ethics rules, is the most effective way to achieve honesty and integrity in City government. When City officers employees and the regulated community know how the Public Integrity Laws apply to them, and when they know that they can receive Board advice to comply with those laws, they have the tools to avoid violations of the laws. The Board therefore continues to look for every opportunity and method available to expand its training and outreach.

Two recent conversations involving Board staff members confirm the importance of the Board's focus on training. The first conversation occurred at the conclusion of a recent ethics training class for members of a City board. A visitor spoke to the Board's trainer at the end of the class. He explained that he was attending the meeting as a representative of a prospective City vendor, and he stayed for the training because he was curious about City ethics training. He was glad that he had stayed through the training because it demonstrated the City's commitment to ethical practices and good government. He was encouraged that he would be treated fairly in his dealings with the City.

The second conversation was during a call to the Board from a City employee who was leaving her City job to take a position in a private firm. The employee wanted to be sure that her role in the new firm would not violate the post-employment restrictions in the Ethics Code. The fact that the employee knew to call the Board for guidance in advance of starting the new job indicates that the training message is being heard.

The Board therefore continues to make training a priority. The number of classes offered and attendance at training during a year presents an incomplete picture of staff participation in training and outreach. In addition to conducting training and outreach sessions, other staff members review and update training materials and improve the information posted on the Board's website. A less visible component of the Board's training and outreach efforts is the assistance that staff members provide to members of the public who wish to locate materials on the Board's website or to search the complex online campaign finance and lobbying databases.

### **Campaign Finance Training and Outreach**

Because the offices of District Attorney and Controller were on the November 2017 Primary Election ballot, the Board offered three Campaign Finance training sessions in September and October 2017. The classes, presented with a representative of the Office of the City Commissioners, covered not only the requirements for candidates and political committees under the Pennsylvania Election Code and Philadelphia's Campaign Finance Law, but also the "nuts and bolts" of the City's mandatory electronic filing process.

Email alerts and reminders of filing dates and requirements were used in addition to the in-person classes to provide maximum notice to candidates, treasurers and committees about campaign finance filing obligations.

## **On-going Ethics Training**

Is a City official or employee permitted to make a hiring decision about a relative? Does it make a difference whether the relative is the employee's brother or nephew? Are there restrictions on political activity that apply to City employees? Are there ethics rules to guide City elected officials and employees in the decisions they make on-the-job? These are among many questions discussed during ethics training classes that are mandated by the City Code and provided by the Board of Ethics to elected City officials and City employees. Philadelphians are entitled to have confidence in the decisions made by their elected officials and City employees, and the ethics rules are intended to ensure the fairness and independence of those decisions.

Between July 2017 and June 2018, Board staff members conducted 74 ethics training classes. These classes include ethics training for new City employees, "refresher" ethics classes for current City employees, and ethics classes for members of City boards and commissions. This volume of training activity requires the attention of several Board of Ethics staff members who schedule, design, revise and present the in-person ethics training sessions. Training for new employees differs from refresher training for current employees, and the content of each class is reviewed and made as specific as possible to the needs of the attendees. Examples of ethical issues are "ripped from the headlines" and discussed to make training real and relevant.

Unfortunately, Board staff cannot continue to expand its training capacity without additional staff resources. The Board has long looked forward to launching a series of online ethics classes, especially for the members of City boards and commissions, as a way to increase its training capacity, but creation of new materials for online training requires time that our current staff does not have. The Board's need for more staff is nowhere more apparent than in its training role.

## **Training Progress**

The Board noted in its last Annual Report that it had begun to participate in the City's Learning Management System (LMS) to register and track ethics training activity. Board of Ethics staff members now actively use the LMS, deployed by the City's Office of the Chief Administrative Officer, to manage and track in-person mandatory ethics training registration and attendance for City employees. If the Board were to receive additional funding, it would hire new staff who would use technology to design and offer not only online ethics training, but also online lobbying, and campaign finance training options. Without additional funding, the LMS and other available technology present unrealized opportunities to maximize the impact of the Board's small staff.

## *Advice*

The Board's advice function is frequently used by any number of individuals, including, but not limited to, current and former City officers and employees, candidates for City elective office, campaign contributors, political committees, lobbyists, principals, and gift givers.. People seek advice from the Board every day, and over the course of a year, the Board fields hundreds of requests for guidance.

The steady, high demand for advice is reflected in the 1,672 informal guidance contacts that Board staff logged in FY2018. Board staff endeavors to deliver informal guidance as quickly as possible and in an accessible manner. Informal guidance is available by phone, by email, and in person. As demonstrated in Figure 1 on the next page, informal guidance numbers remained consistent between FY2017 and FY2018. Figure 2 on the next page displays informal guidance contacts on a monthly basis in FY2017 and FY2018. Notably, the informal guidance related to conflicts of interest increased significantly for the second consecutive fiscal year.

In addition to offering guidance in response to specific questions, the Board also published a number of educational documents that provide answers to common basic questions. In FY2018, the Board issued its first educational document on conflicts of interest, which uses plain language to describe key points of the City conflict of interest restriction in a single page. Additionally, the Board created a document addressing frequently asked questions regarding the Charter political activity restrictions, and the Board issued a new, improved set of frequently asked questions related to the City Campaign Finance Law.

Although the vast majority of questions are addressed through informal guidance, the Board also provides advice to the regulated community via advisory opinions. Advisory opinions are written opinions that offer a detailed analysis of the application of the Public Integrity Laws to specific facts provided by a requestor regarding prospective behavior that the requestor is contemplating. The process for seeking an advisory opinion is detailed in [Board Regulation 4](#). Requestors are entitled to act in reasonable reliance on advisory opinions issued to them and not be subject to penalties under the laws within the Board's jurisdiction as long as they have not omitted or misstated material facts. Requestors can choose to receive a non-public advisory opinion, which in its published form is redacted to conceal facts that are reasonably likely to identify a requestor.

The six advisory opinions issued in FY2018 reflect current events and concerns as well as the breadth of matters under the Board's jurisdiction. The opinions are described in detail in this annual report at Appendix I. Of these, four were Board Opinions, which are opinions approved and issued directly by the Board that generally provide advice on novel questions. Notably, the Board issued two opinions regarding financial disclosure, a topic that had never previously been the focal point of an advisory opinion. The Board also assisted the newly-reestablished Board of Education and Educational Nominating Panel with determining the application of the Public Integrity Laws. In advance of the upcoming 2019 municipal election, the Board issued an opinion on whether coordination would be present under the City Campaign Finance Law in several different scenarios involving an entity and a candidate's campaign. Finally, two General Counsel Opinions addressed the application of the Charter political activity restrictions to social media use.



All educational documents and advisory opinions are available on the Board's [website](#).

Figure 1

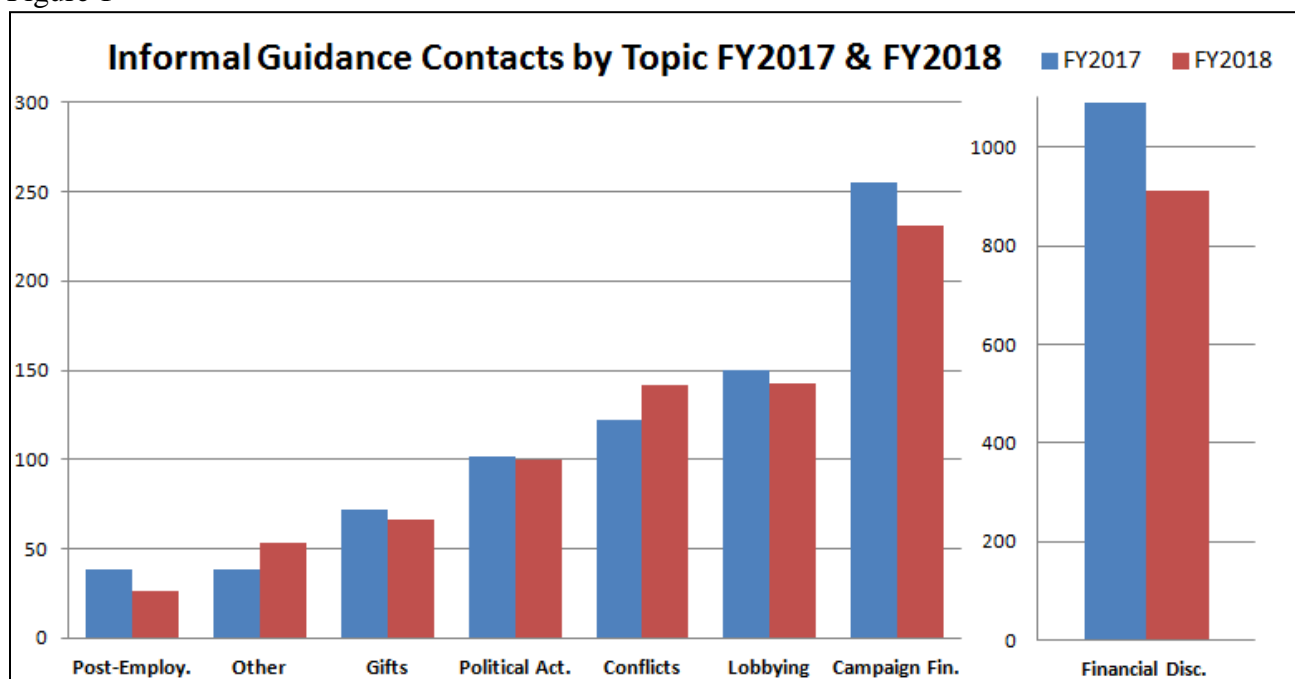
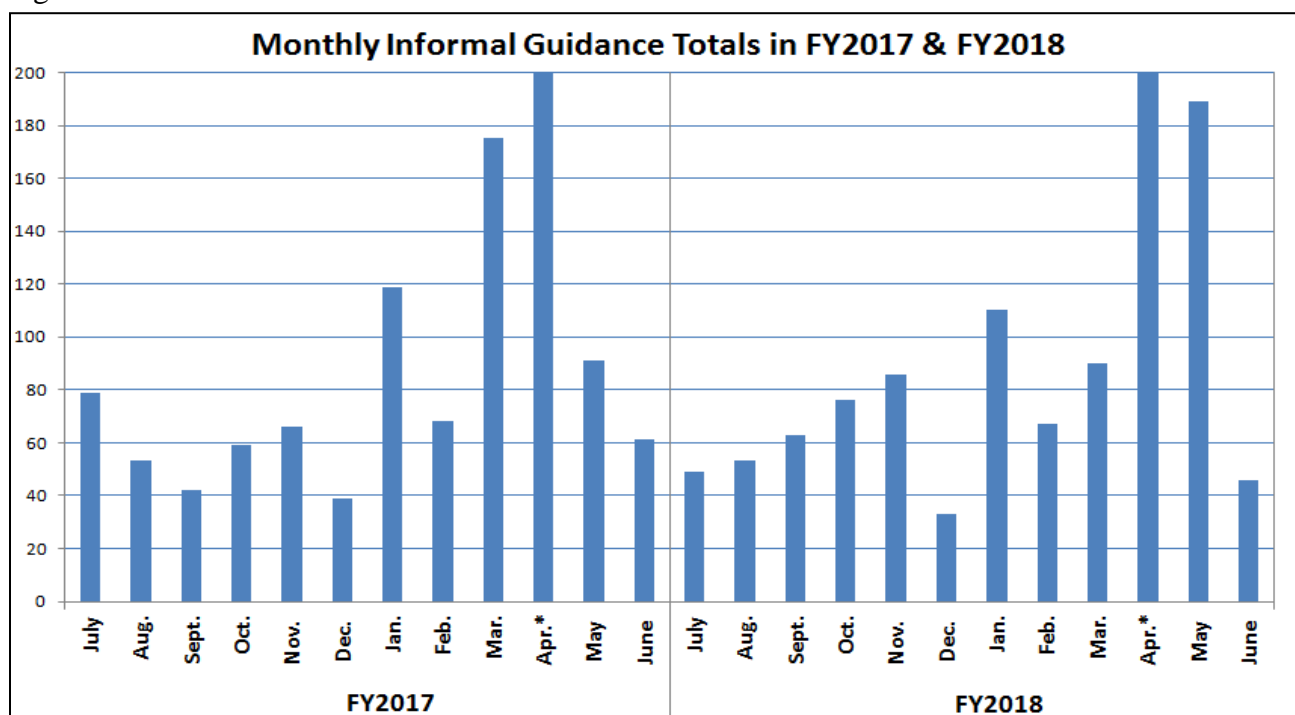


Figure 2



\* The high volume of financial disclosure assistance provided during April does not map to the scale of the chart, which extends only to a maximum of 200 guidance contacts. In April 2017, there were a total of 1,013 informal guidance contacts. In April 2018, there were 810 total informal guidance contacts.

## ***Lobbying in Philadelphia***

The City's Lobbying Law provides the public with a view into the lobbying activities by various entities directed toward government officials and employees in order to shape administrative or legislative decisions. The City's Lobbying Law is found at Chapter 20-1200 of the Philadelphia Code and Board Regulation No. 9, which provides a detailed interpretation of Chapter 20-1200. Lobbyists, lobbying firms, and principals mandated to file by the Lobbying Law do so through the online Philadelphia Lobbying Information System (PLIS). PLIS is also the portal through which the public may search for information concerning lobbying activity in the City.

April 2018 saw the four year anniversary of the launch of PLIS. Board staff worked with the software vendor beginning in April 2018 to undertake a series of enhancements to PLIS, incorporating our experiences in administering the system since its launch to improve the workflow for our filing community. Support from the City's Office of Innovation and Technology (OIT) continues to be crucial to the support of PLIS. OIT provided the funds to develop the enhancements to the system and an OIT Project Manager continues to work with Board staff to manage the system build. The Board and its staff are grateful for this assistance.

### **Lobbying Registrations**

The City Lobbying Law divides disclosure into two processes. The first is Lobbying Registration. Lobbyists, lobbying firms, and principals in Philadelphia are required to register in PLIS after lobbying activity has commenced and they have crossed financial and time thresholds laid out in the Lobbying Law:

- Principals are required to register after they have spent \$2500 for lobbying activity in a quarter.
- Lobbying firms are required to register after they have received \$2500 for lobbying activity in a quarter.
- Lobbyists are also required to register after they have received \$2500 for lobbying activity in a quarter. However, if a lobbyist is an employee of the principal on whose behalf he or she is lobbying, the lobbyist has an additional threshold of 20 hours spent on lobbying activity in a quarter before registration is required.

Registration is conducted on an annual basis and a filer is not required to renew a registration until they have crossed the thresholds for that year. Therefore, the number of registered lobbyists, firms and principals can change from year-to-year depending on what issues or projects are being considered for legislative or administrative action at that time. Some filers may register or renew in January, actively lobbying throughout the year. Others may not register until later in the year when some legislative or administrative action becomes relevant for them to engage on.

From 2014 through 2016, the number of registrations filed remained consistent at approximately 230. 2017 saw a 9% increase from the average of registrations filed to 250. Through the first two quarters of 2018 there have already been 259 registrations filed by lobbyists, lobbying firms, and principals indicating another year over year surge. (See Figure 3)

Figure 3

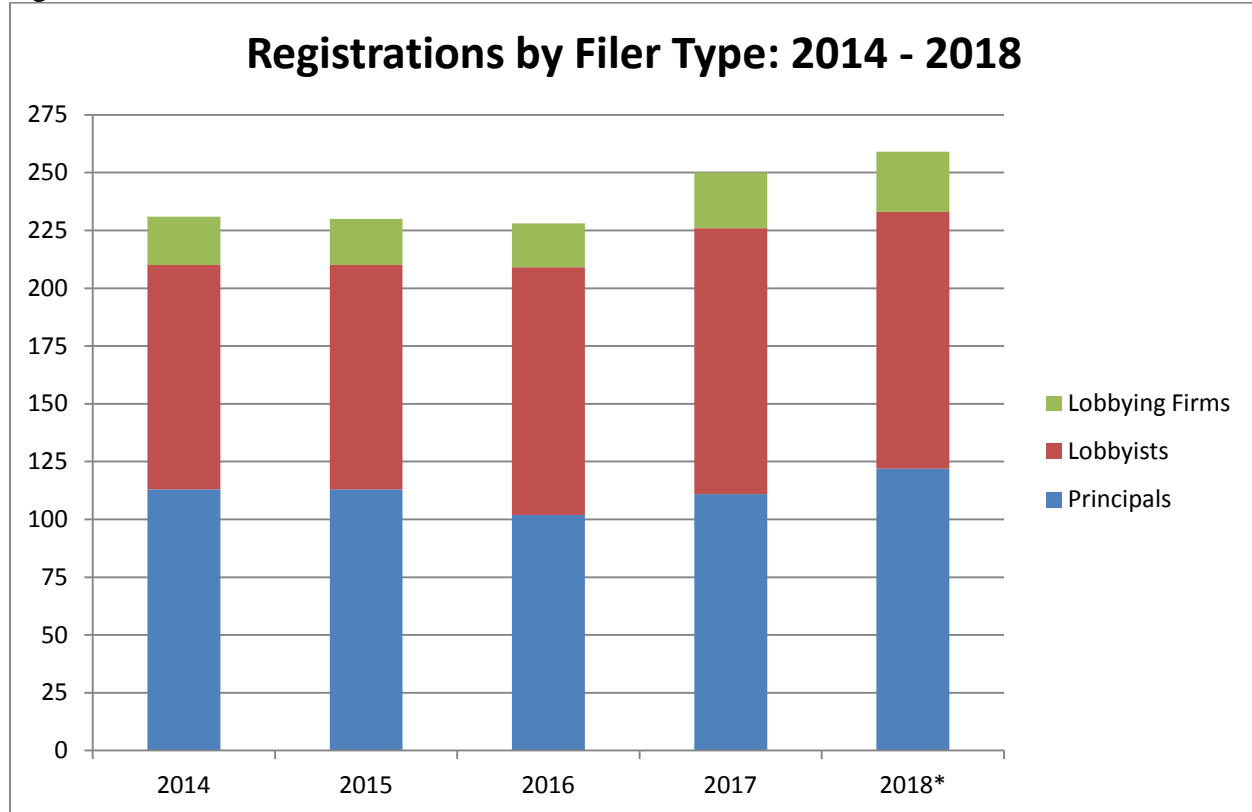


Figure 3 compares the number of registrations filed in PLIS from the system's launch in January of 2014 through the end of the second quarter 2018. (\*) Lobbying registration is on an annual basis, and new and renewed registrations may be submitted throughout the course of a calendar year.

### Lobbying Expense Reports

The second disclosure process in the City's Lobbying Law is the Lobbying Expense Report. The expense report is filed by the principal and captures the detail of the lobbying activity in that quarter. This includes the amount of expenditures, the detail of communications, and any gifts, hospitality, or transportation provided to City officials and employees.

There are two types of lobbying communications reported each quarter, those for Direct Communications and those for Indirect Communications. Direct lobbying communications include, but are not limited to, written, in-person, telephone, and email contacts between a lobbyist or principal and a City official or employee to affect legislative action or administrative action. Indirect lobbying communications occur when a lobbying entity makes an effort to encourage others, including the general public, to take action that is intended to directly influence legislative action or administrative action. Examples of indirect lobbying methods include letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues.

In the first two quarters of both 2016 and 2017 reported lobbying expenditures on indirect communications exceeded \$1,000,000, primarily due to the use of electronic ad campaigns by

advocates for and against the soda tax. With the resolution of the soda tax debate at the municipal level, those indirect communications expenditures have abated. (Figure 4)

Information disclosed in quarterly expense reports filed by principals is available on the Board's website in a searchable database. Among other things, members of the public can use the database to search for amounts spent on Philadelphia lobbying by principals, to identify City officials who were contacted by lobbyists and the subjects of those contacts, and to determine whether gifts were given to elected and appointed City officials. Board staff members are always available by telephone or in-person to assist interested individuals who want to search and sort the information in the searchable PLIS database.

Figure 4

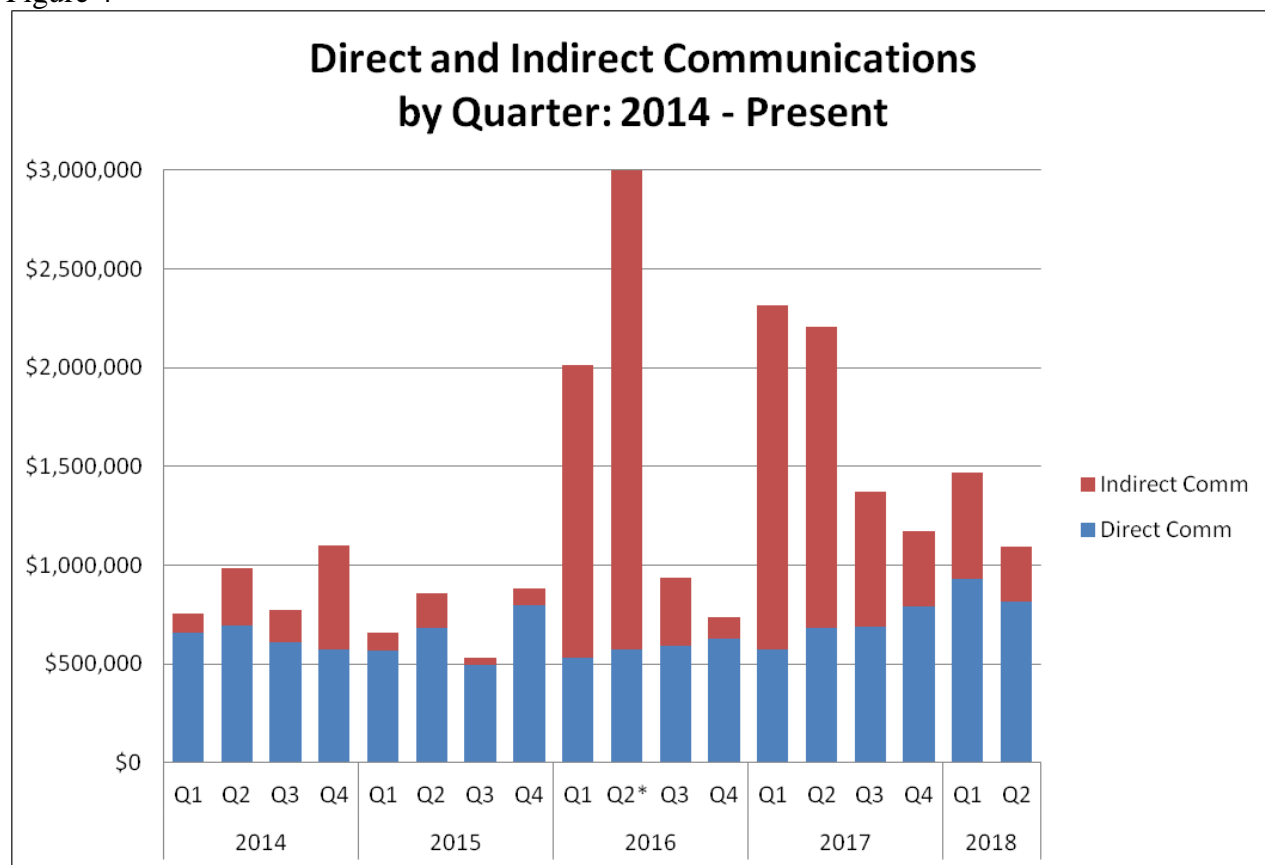


Figure 4 shows total reported expenditures by quarter on direct and indirect communications between January 1, 2014 and June 30, 2018. (\*) Note that the total expenditures for the second quarter of 2016 were \$12,402, 807. Due to the high total, the second quarter of 2016 does not map to the scale of the chart, which extends only to a maximum of \$3 million.

### Lobbying Disclosure

The City Lobbying Law is a disclosure law. Its purpose is not to prevent communication but to gather the information necessary for the public to be aware of who is spending money to advocate for City policy. Information disclosed by the filers in the lobbying community may be explored through the online lobbying system. The public can search through the individual

registrations and expense reports of filers or may use several pre-set options to generate reports from the database that include subjects of lobbying, an expense report summary, and direct communication contacts. Table 1 contains a sample of information from the PLIS reports.

Table 1

Top 3 Subjects Lobbied by Largest Number of Principals - 2014-2018		
2014:	Real Estate, Education, Utilities	
2015:	Real Estate, Media/Information Technology, Arts & Culture	
2016:	Taxation, Utilities, Real Estate	
2017:	Taxation, Transportation, Construction	
2018*:	Taxation, Real Estate, Labor	
Highest Principal Spending Annually - 2014-2018		
2014:	UIL Holdings Corporation:	\$797,974.24
	Pennsylvania Working Families Organization:	\$165,048.75
	Pennsylvania Real Estate Investment Trust:	\$156,000.00
2015:	American Airlines:	\$328,893.00
	Comcast Cable Communications:	\$218,637.09
	Pennsylvania Real Estate Investment Trust:	\$186,000.00
2016:	American Beverage Association:	\$11,112,814.00
	Philadelphians for a Fair Future:	\$2,185,944.62
	American Heart Association:	\$334,217.90
2017:	American Beverage Association:	\$3,964,143.66
	Philadelphians for a Fair Future:	\$305,941.05
	American Airlines:	\$109,953.00
2018*:	American Beverage Association:	\$541,083.20
	Philadelphians for a Fair Future:	\$336,595.00
	SugarHouse Casino	\$90,000.00
*2018 amounts only include through June 30, 2018.		



## ***Financial Disclosure***

Each year, thousands of City officers and employees and the members of City boards and commissions are required to file one or more of three annual financial disclosure statements. The purpose of this requirement is to promote transparency in City government and to ensure that no conflict exists between an individual's City responsibilities and his or her personal financial interests. While there are differences among the three forms, filers generally disclose sources of income and other financial interests. The three forms are the City Form (required by the City Ethics Code), the Mayor's Form (required by Mayoral executive order), or the State Form (required by the State Ethics Act).

Board preparation for financial disclosure reporting begins months before the annual May 1 deadline and involves cooperation with the Records Department which maintains and supports the financial disclosure online reporting software, and the Human Resources Department whose staff work directly with City employees who are required to file financial disclosure statements. As many as five of the Board's ten staff members are involved in tasks necessary to implement the financial disclosure process. These tasks include assisting filers by phone, email and in-person with both technical and reporting questions. The Human Resources Department issued email filing reminders to thousands of City employees, while Board staff issued email reminders to hundreds of members of City boards and commissions and mailed letters to more than 600 employees who left City government during the past year, but still have to file one last time.

### **Problems with Financial Disclosure**

The financial disclosure process was especially difficult this year because the Board did not have access to the vendor who had for years provided routine annual maintenance and support for the online electronic Financial Disclosure System (FDS). This system is a legacy filing application that is more than 11 years old. Board staff could not complete routine tasks this year such as electronically uploading the names of filers into the system. As a result, Board staff went "old school," and addressed several of the problems by manually keying information into the system to establish accounts for new City employees and to correct other system problems. Our staff patiently assisted hundreds of filers. Financial disclosure problems dominated staff time for the entire month of April.

We are especially appreciative of the support we received from the City's Office of Innovation and Technology (OIT) which made several of its staff members available to keep the FDS operating. OIT staff support went beyond anything we could have expected. However, there were significant issues with the FDS that OIT could not resolve and filers faced many problems. Board staff members nevertheless did everything they could to ensure that each filer was able to submit his or her required forms even if some of the forms became electronic and paper hybrids. As a result of the concerted effort by the Board, OIT, and Records, almost 5,000 financial disclosure forms were filed.

The Board is fortunate that OIT and the Records Department have made funding available to redesign the FDS so that the City and the Board are not in this position next year. Were it not for this financial assistance, the Board would not be able to undertake an essential project of this

scope because there are insufficient funds in the Board's budget. We are optimistic that there will be a new FDS available in time for May 1, 2019.

### ***Campaign Finance Progress***

Chapter 20-1000 of the City Code and Board Regulation No. 1, Campaign Finance, establish the requirements that apply to candidates for City elective office, candidate political committees, and political committees. One of the most important requirements is that these entities must file campaign finance reports electronically. As a result, contribution and expenditure information quickly becomes publicly available in a searchable online format.

To accomplish electronic filing, the Board provides a free filing software program called SmartClient to all candidates and committees. SmartClient was developed when the Campaign Finance Law first became effective in 2006 and is therefore an outdated legacy application. Use of SmartClient requires that a candidate or committee load SmartClient onto their stand-alone computers, enter contribution and expenditure data into SmartClient, and then forward the data to the City so that the City's vendor can upload the campaign finance information and make it available online. There are many problems with this process, but the Board has never had sufficient funds in its budget to update SmartClient.

In an unexpected and welcome development, the City's Office of Innovation and Technology (OIT) has made funds available to redesign and update the SmartClient software and to make the application web-based. Board staff members are working closely with OIT on this project and are hopeful that an updated filing system will be available in late 2018 so that it can be used by candidates and committees in the 2019 primary and general elections.

## ***Enforcement***

### **FY 2018 Enforcement Overview**

The Board of Ethics is responsible for enforcing the City's Public Integrity Laws and is required to include information concerning its enforcement activities in its Annual Report.

The Board's Executive Director can initiate an investigation either upon receipt of a complaint or a referral or if he determines that a potential violation of a law within the Board's jurisdiction has occurred. Upon completion of the investigation, if the Executive Director finds probable cause to believe a violation has occurred, he can initiate an enforcement action. If, after conducting an investigation, the Executive Director does not find probable cause, he will terminate the investigation. Similarly, the Executive Director will reject a complaint that does not state a potential violation of a law within the Board's jurisdiction.

At any point, the Executive Director can seek to resolve a matter through a settlement agreement. In a settlement agreement, subjects of enforcement admit to violations and, in most cases, agree to pay a civil monetary penalty.

### **FY 2018 Enforcement Activity and Litigation**

The Board is authorized by the Philadelphia Home Rule Charter and the Philadelphia Ethics Code to pursue enforcement of alleged violations of the City's Public Integrity Laws either in the Court of Common Pleas or through an administrative adjudication.

On June 7, 2017, the Board brought suit in the Court of Common Pleas against Citizens Organizing Pennsylvania's Security PAC (a.k.a. C.O.P.S. PAC), and Kevin Price, the committee's treasurer, alleging that C.O.P.S. PAC and Mr. Price had failed to file two required campaign finance reports with the Board in 2015.

In an Order issued on October 12, 2017, Judge Abbe Fletman found that C.O.P.S. PAC and Kevin Price had violated the City's Campaign Finance Law by failing to file the required reports. Judge Fletman ordered C.O.P.S. PAC and Kevin Price to file the outstanding reports by October 19, 2017 and imposed a civil monetary penalty of \$60,000, which would be reduced to \$40,000 if the reports were filed by October 19, 2017.

When Respondents failed to file adequate reports by October 19, 2017, the Board filed a Petition for Contempt with Judge Fletman. On April 12, 2018, Judge Fletman issued an Order approving a Stipulation of Settlement between the Board and Respondents. As set forth in the Stipulation of Settlement, the parties agreed that filings Respondents had submitted did not comply with Judge Fletman's October 12, 2017 Order. Respondents filed amended reports and consented to the imposition of the full \$60,000 civil monetary penalty. The Board agreed to forego any additional penalties or payments from C.O.P.S. PAC, thereby concluding the action.

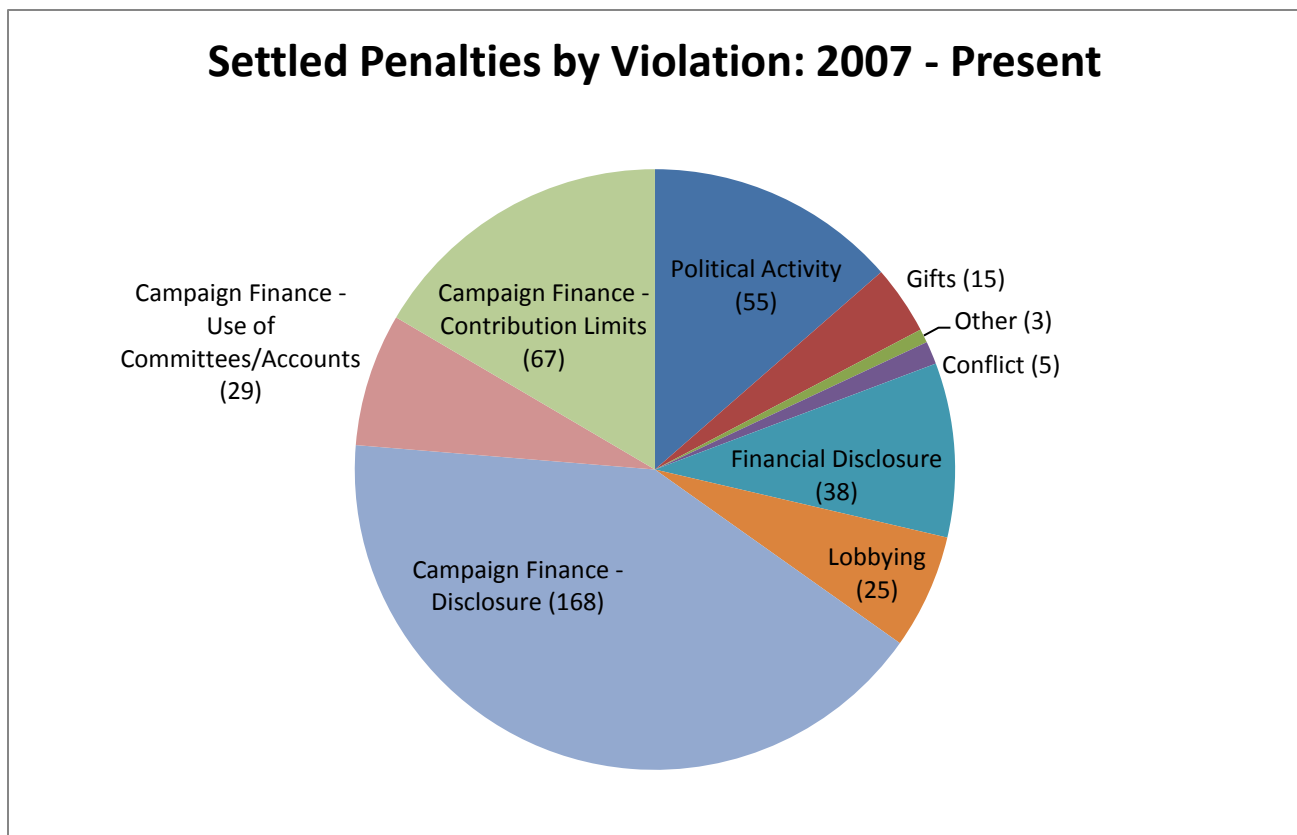
Table 2 below summarizes the Board's investigation and enforcement activity since 2007:

Table 2

	Investigations Opened	Investigations terminated, no probable cause	Complaints accepted	Complaints rejected	Enforcement actions initiated	Settlements
<b>Total</b>	<b>225</b>	<b>117</b>	<b>40*</b>	<b>122</b>	<b>23</b>	<b>127</b>
<b>FY 2018</b>	23	9	4	22	1	7
<b>FY 2017</b>	21	5	6	16	1	16
<b>FY 2016</b>	30	19	8	14	2	41
<b>FY 2015</b>	32	8	5	14	2	13
<b>FY 2014</b>	13	8	6	7	0	4
<b>2012/FY2013</b>	13	7	3	5	0	13
<b>2011</b>	54	26	8	12	11	15
<b>2010</b>	0	24	0	12	1	2
<b>2009</b>	25	6	*	11	3	10
<b>2008</b>	14	5	*	9	1	3
<b>2007</b>	N/A	N/A	*	N/A	1	3

\*Board enforcement staff only began tracking complaints accepted starting with FY 2010.

Figure 5



## **FY 2018 Enforcement Activity**

### ***Settlement Agreements***

In FY 2018, the Board approved seven settlement agreements, as follows:

- **Trustwave PAC, Ismail Shahid, Derrick Susswell, and Kristin Stoner**, resolving violations of the City's Campaign Finance Law for excess in-kind contributions to the campaign of a 2017 candidate for District Attorney, and material misstatements in a campaign finance report filed with the Board. Trustwave PAC agreed to pay a total of \$4,000 in civil monetary penalties and file an amended campaign finance report. Mr. Shahid, Mr. Susswell, and Ms. Stoner agreed to cooperate with any related Board investigations or enforcement matters and also agreed to terminate Trustwave PAC.

- **Citizens for Rich Negrin**, resolving violations of the City's Campaign Finance Law for failing to disclose an in-kind contribution in a campaign finance report filed with the Board and for the late filing of the Committee's 2017 Cycle 3 campaign finance report. Citizens for Rich Negrin agreed to pay civil monetary penalties of \$1,650.

- **District Council 1199C PAC**, resolving a violation of the City's Campaign Finance Law for the late filing of a campaign finance report with the Board. District Council 1199C PAC agreed to pay a civil monetary of \$2,000.

- **Media Mobilizing Project and Arielle Klagsbrun**, resolving violations of the City's Lobbying Law for failing to register as a principal, failing to file an expense, and for failing to register as a lobbyist. Media Mobilizing Project agreed to pay \$3,000 in civil monetary penalties and \$400 in registration fees on behalf of itself and Ms. Klagsbrun and to file its outstanding registration and expense report.

- **State Senator Scott Wagner**, resolving violations of the City's Campaign Finance Law for making excess campaign contributions to Beth Grossman, a candidate for Philadelphia District Attorney. Senator Wagner agreed to pay aggregate civil monetary penalties of \$3,500.

- **Asian American Licensed Beverage Association**, resolving violations of the City's Lobbying Law, one for the failure to register as a lobbying principal, the second for the failure to file an expense report. AALBA agreed to pay \$2,000 in civil monetary penalties and \$200 in registration fees and filed its outstanding registration and expense report.

- **Tariq El Shabbaz and Taylor Daukaus**, resolving violations of the City's Campaign Finance Law for acceptance of excess in-kind contributions from Trustwave PAC, exercising control over and directing the expenditures of Trustwave PAC, and failing to disclose in-kind contributions in campaign finance reports filed with the Board. Mr. El Shabbaz agreed to pay civil monetary penalties of \$2,750. Ms. Daukaus agreed to pay \$2,000 and file amended campaign finance reports with the Board.

In total in FY2018, parties to settlement agreements agreed to pay to the City a total of \$20,900 in civil monetary penalties. All of the Board's settlement agreements are available on the Board's [website](#).



### ***Terminated Investigations***

In FY 2018, Board enforcement staff terminated nine investigations after determining that probable cause did not exist to believe a violation had occurred. Of those investigations, six involved potential violations of the City's Ethics Code, including prohibited gifts and conflicts of interests. Additionally, one involved potential violations of the City's Campaign Finance Law, one involved potential violations of the City's Lobbying Law, and one involved potential violations of the Charter's restrictions on political fundraising and political activity

### ***2018 Campaign Finance Compliance***

In FY 2017, the Board implemented procedures to efficiently resolve violations arising from the late filing of campaign finance reports with the Board. The procedures expedite and simplify the assessment of penalties for the late filing of campaign finance reports except in certain delineated cases. Descriptions of the procedures can be found on the Board's website.

In FY 2018, Board enforcement staff collected \$37,500, payable to the City of Philadelphia, from 32 filers that did not timely file campaign finance reports with the Board. Board staff routinely update the [penalties list](#) on the Board's website.

## ***Board of Ethics FY2018 Fiscal Report***

In addition to filing an annual report of its activities, the Board is required by Home Rule Charter Section 3-806(k) to provide an annual accounting of its expenditures. As reported below, the Board spent a total of \$951,956 between July 1, 2017 and June 30, 2018.

<b>Class</b>	<b>FY 2018 Appropriation</b>	<b>FY 2018 Total Spent</b>
100 – Salaries	\$963,764*	\$927,303**
200 – Purchase of Services	\$96,000	\$27,903
300/400 – Materials, Supplies & Equipment	\$14,000	\$4,669
Total:	\$1,073,764	\$959,876

\* Reduced from \$985,489 because \$21,725 was held in reserve & not used for exempt raises.

\*\*includes rounding

Two major factors contributed to spending below the Board's FY 2018 total appropriation.

1. The amount spent in Class 100 funds during FY 2018 was less than the appropriated amount because the Board was unable to modify a vacant entry level position and to fill that position as a Staff Attorney position. The Board considered the Staff Attorney position to be essential to its administration of the City's Public Integrity Laws through tasks such as preparing and conducting training and preparing educational materials. Further, the additional Staff Attorney would increase the Board's capacity to enact new regulations that offer clear rules in plain language for compliance with the Public Integrity Laws.

The Board requested, but did not receive for FY2016, FY2017 and FY2018, additional Class 100 funding that, among other purposes, would have been used to convert the existing vacant entry level position to the Staff Attorney position. The Board notes that the change in this position would not have increased the Board's number of budgeted positions (12). The Board will continue to seek additional Class 100 funds to fill the vacant position because the Staff Attorney would significantly advance the Board's ability to meet its statutory responsibilities.

2. The Board's Class 200 spending in FY 2018 was less than the appropriated amount. The Board is responsible for administration, implementation and enforcement of the City's Public Integrity Laws, which include the laws governing Ethics, Campaign Finance, Lobbying, Financial Disclosure, and political activity restrictions. Months before the start of a fiscal year, the Board must predict its need for Class 200 funds to purchase professional services directly related to its responsibilities: for accounting, computer and other forensic professional services related to complex investigative matters, and for professional information technology services that are outside the scope of the maintenance contract for the statutorily-mandated online lobbying registration and reporting system. The need for these services did not arise in FY 2018.

The Board remains aware, however, that while it did not spend all of the Class 200 funds appropriated in FY2018, it is foreseeable that costs of a major investigative matter or the need to adapt the lobbying software to a change in the law might require the entire Class 200 appropriation in a future fiscal year. The Board therefore continues to budget for these contingencies in order to meet its statutory responsibilities. Between July 1, 2017 and June 30, 2018, the Board spent \$959,876, as follows:

#### **Class 100 – Personal Services**

<b>Class</b>	<b>Name</b>	<b>Title</b>	<b>FY18</b>
101	Cooke, Michael	Director of Enforcement	113,854
101	Creamer, Jr., J. Shane	Executive Director	142,740
101	Donnelly, Eileen	Election/Public Integrity Compliance Specialist	50,536
101	Simone, Tina	Legal Support Services Coordinator	54,956*
101	Klemm, Thomas	Staff Attorney	62,010
101	Lin, Diana	Associate General Counsel	90,007
101	McHale, Bryan	Compliance Services Supervisor	55,608
101	Massar, Nedda	Deputy Executive Director	125,190
101	Nayak, Maya	General Counsel	121,368
101	Segall, Jordan	Staff Attorney	69,004
101	Vasquez, Hortencia	Legal Services Clerk	41,756
	<b>Total Class 100</b>		<b>\$927,029</b>

\* includes \$8,113 terminal leave pay

#### **Class 200 – Purchase of Services**

<b>Class</b>	<b>Class Description</b>	<b>Description of Services</b>	<b>Amount Paid</b>
209	Telephone	Staff Cell Service	120
210	Postal Services	Delivery Service & Postage	3,507
211	Transportation	Travel & Transportation	5,815
255	Dues	Professional Membership Dues	2,545
256	Seminar & Training Sessions	Seminars, Training & Continuing Legal Education	7,766
258	Court Reporting	Court Reporting Services	1,732
285	Lease/Rents	Copiers	5,843
299	Miscellaneous	Printing	575
	<b>Total Class 200</b>		<b>\$27,903</b>

**Class 300 & 400 – Materials, Supplies & Equipment**

<b>Class</b>	<b>Class Description</b>	<b>Description of Purchase</b>	<b>Amount Paid</b>
304	Books & Other Publications	Books	2,179
320	Office Materials & Supplies	Office Materials, Supplies & Paper	2,470
325	Printing	Stationery	20
400	Computer Equipment & Peripherals; furniture	Desktop Computers & Printers	0
	<b>Total Class 300/400</b>		<b>\$4,669</b>

**Total FY 2018 Expenses = \$959,876**

## *Looking Ahead*

The Board is proud of its accomplishments during FY18 and looks forward to continuing its critical role in City government. As Board Chair Michael H. Reed explained in his message, this Report not only summarizes and quantifies the Board's work during the past year, but also assesses our progress and identifies needs for the future.

The review of our programs and progress in this Report makes it clear that we cannot continue to grow and meet increasing demands for Board services without additional staff. The Board believes that increasing its capacity to provide guidance, advice, training, disclosure, and enforcement activity is the key to maintaining ethical standards in Philadelphia's government. As it has in the past, the Board will therefore continue to seek additional funding in its budget to hire staff with the skills to support our increasing needs. The Board is also determined to find new ways, including new technology, to permit our small staff to increase its capacity to provide training, to reach the public, and to assist City employees and the regulated community to comply with the Public Integrity Laws.

The Board and its staff remain committed to serving the public and to making the City a national model for ethical government.



## *Index of FY 2018 Board Opinions*

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#"><u>2017-001</u></a>  Non-public Advisory Opinion	07/20/17	<p>Provided financial disclosure advice to a City official who files the City of Philadelphia Statement of Financial Interests (“City Form”) and who receives income of \$500 or more from a business that is attributable to specific clients. The Opinion advised that it is sufficient for the filer to disclose the business as a source of income on the City Form. The requirement could also be satisfied through disclosure of the clients as sources of income, but client disclosure is not required. This advice mirrored the Pennsylvania Supreme Court’s interpretation of the corresponding State Ethics Act disclosure provision regarding sources of income. The City Code income disclosure provision at issue is built upon virtually the same language and definitions as the State Ethics Act, and it also appears to have been taken directly from the State Ethics Act income disclosure provision.</p>	FINANCIAL DISCLOSURE; CITY OF PHILADELPHIA STATEMENT OF FINANCIAL INTERESTS; CITY FORM; DIRECT OR INDIRECT SOURCE OF INCOME; CLIENT; INCOME ATTRIBUTABLE TO CLIENT; PERSON; BUSINESS; SOLE PROPRIETORSHIP; SELF- EMPLOYED INDIVIDUAL; CONFLICT OF INTEREST IN MATTERS FINANCIALLY AFFECTING CLIENTS
			Code §§ 20-601(5), (20); 20-610(2)(e); Board Opinion 2012- 001; 65 Pa. C.S. § 1105(b)(5); <i>In re</i> <i>Paulmier</i> , 937 A.2d 364 (Pa. 2007), <i>as clarified</i> (Dec. 28, 2007); State Ethics Commission Opinion 92-010

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#">2017-002</a>  Non-public Advisory Opinion	09/21/17	<p>Advised a City elected official that disclosure is required on the gifts section of the City of Philadelphia Statement of Financial Interests (“City Form”) if the official receives free event tickets valued at \$200 or more from the Mayor’s Office to distribute to constituents. The official would be receiving gifts in the form of event tickets valued in the aggregate at more than \$200 from the Mayor’s Office, which as a subdivision of the City of Philadelphia falls within the definition of person under the Code. The official does not plan to use the tickets personally but would have the ability to decide whether to accept the tickets at all and the ability to direct how and to whom the tickets are dispensed. In contrast to the Code financial disclosure provision, the State Ethics Act contains language exempting from financial disclosure hospitality that a public official receives from a governmental body.</p>	FINANCIAL DISCLOSURE; CITY OF PHILADELPHIA STATEMENT OF FINANCIAL INTERESTS; CITY FORM; CITY ELECTED OFFICIAL; MAYOR’S OFFICE; GIFTS NOT PERSONALLY USED; HOSPITALITY; EVENT TICKETS; CONSTITUENTS; GOVERNMENTAL BODY; PERSON; DISCRETION
			Code §§ 20-305, 20-601, 20-604, 20-610(2)(f); Board Opinion 2013-003; 65 Pa. C.S. §§ 1102, 1104, 1105(b)(7); 65 Pa. C.S. § 13A03; State Ethics Comm’n Opinion 99- 1020-R; State Ethics Comm’n Advice of Counsel 92-577

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#">2018-001</a>  Public Advisory Opinion	01/25/18	<p>Advised the Mayor that members of the Board of Education are not subject to the ethics laws over which the Board of Ethics has jurisdiction, while members of the Educational Nominating Panel are subject to these ethics laws. A Solicitor’s Opinion issued to the Board of Ethics and attached to this Board Opinion advised that for purposes of The Philadelphia Home Rule Charter, the Board of Education is not a City board or commission whereas the Educational Nominating Panel is a City board or commission. Similarly, under the City Ethics Code, Board of Education members do not meet the definition of “board or commission members” or “officers or employees.” By contrast, Educational Nominating Panel members qualify as board or commission members and as officers under the City Ethics Code. As the Educational Nominating Panel does not fall within the category of City boards and commissions that exercise significant powers of government, its members are subject only to a limited number of Charter political activity restrictions.</p>	<p>SCHOOL DISTRICT OF PHILADELPHIA; BOARD OF EDUCATION; EDUCATIONAL NOMINATING PANEL; MUNICIPAL FUNCTION; CITY FUNCTION; CITY BOARD OR COMMISSION; BOARD OR COMMISSION MEMBER; OFFICER OR EMPLOYEE; POLITICAL ACTIVITY; SIGNIFICANT POWERS OF GOVERNMENT; GRATUITIES; INTERESTS IN CITY CONTRACTS</p>
			<p>Charter §§ 10-102; 10-105; 10-107; City Code Chapter 20-600; Board Reg. 8; Board Opinions 2014-001 &amp; 2007-006; Dec. 22, 2017 Philadelphia Solicitor’s Opinion; State Ethics Comm’n Advices of Counsel 02-538 &amp; 84-536; State Ethics Comm’n Order No. 1620, Oct. 8, 2013</p>

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#"><u>2018-002</u></a>  Non-public Advisory Opinion	05/29/18	<p>Advised an entity regarding its potential activities related to the 2019 municipal election. The request presented many different scenarios, each requiring a highly fact-specific analysis of whether coordination between the entity and a candidate's campaign would be present under the City Campaign Finance Law such that contribution limits would apply to related expenditures by the entity in support of the candidate. The scenarios included the entity: (1) meeting with a candidate or future candidate and discussing the entity's support of endorsed candidates in similar past races, an electioneering communications plan, or related budget; (2) republishing a candidate photograph taken by the candidate's campaign that appears on a website not controlled by the campaign; (3) paying for digital ads promoting and linking to a candidate's website or Facebook page; and (4) announcing an electioneering communications plan or a field canvassing plan on the entity's social media platforms. The Opinion cautioned that it was inadvisable for the entity and a candidate or future candidate to meet to discuss information, strategy, or budget related to future expenditures by the entity in support of the candidate if the entity wishes to avoid potential coordination.</p>	CAMPAIGN FINANCE; COORDINATED EXPENDITURE; COORDINATION; CONTRIBUTION LIMITS; INDEPENDENT EXPENDITURE; IN-KIND CONTRIBUTION; EXPENDITURES MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH A CANDIDATE'S CAMPAIGN; EXPENDITURE MADE TO REPRODUCE, REPUBLISH, OR DISSEMINATE CAMPAIGN COMMUNICATIONS OR CAMPAIGN MATERIALS; ELECTIONEERING COMMUNICATIONS; FUTURE CANDIDATE; MEETING WITH A CANDIDATE; REPUBLICATION OF CAMPAIGN COMMUNICATIONS OR MATERIALS; REPUBLICATION OF CANDIDATE PHOTOGRAPH; DIGITAL ADS PROMOTING AND LINKING TO CANDIDATE'S WEBSITE OR FACEBOOK PAGE; ELECTIONEERING COMMUNICATIONS PLAN; FIELD CANVASSING PLAN
			Code Chapter 20-1000; Board Reg. 1

## *Index of FY 2018 General Counsel Opinions*

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#"><u>2017-505</u></a>  Public Advisory Opinion	08/02/17	Advised the City Digital Director on the application of the Charter political activity restrictions to three proposed uses of City social media accounts in an official capacity and as part of City work: (1) retweeting a public policy message from an entity that is not a partisan political group; (2) tweeting a link to an op-ed by a health professional on a public policy issue; and (3) tweeting opposition to an elected official's appointee to head an agency and linking to a news article criticizing the appointee. The three proposed uses are not prohibited because they would neither constitute the use of a City position for political purposes nor would they constitute political activity as defined by Board Regulation 8 while on duty or while using City resources.	POLITICAL ACTIVITY; SOCIAL MEDIA; CITY SOCIAL MEDIA ACCOUNT; OFFICIAL CAPACITY; ON DUTY; CITY RESOURCES; CITY POSITION; NON- PARTISAN; POLITICAL PURPOSES; PARTISAN POLITICAL GROUP; PUBLIC POLICY ISSUE; CANDIDATE; TWITTER; FACEBOOK; RETWEET; TWEET; LINK; APPOINT; NON-ELECTIVE OFFICE; POLITICAL PARTY; CANDIDATE; CONCERT OR COORDINATION
			Charter § 10-107; Board Regulation 8; <i>compare</i> General Counsel Opinion 2017-506

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#">2017-506</a>  Public Advisory Opinion	11/06/17	Advised the City Digital Director on the application of the Charter political activity restrictions to five general uses of private social media accounts while off duty and not using City time or resources. As long as certain restrictions identified in the Opinion are observed, the following three proposed social media uses are permissible: (1) sharing or posting content created by a former candidate; (2) “liking” or otherwise “reacting” to content created by a candidate; and (3) using hashtags identified with, authored by, or currently used by a candidate, political party, or partisan political group. Conversely, the political activity restrictions would prohibit the following two uses that involve linking to content created by a candidate: (1) sharing or retweeting content created by a candidate; and (2) posting a tweet that includes the Twitter handle of a candidate or tagging a candidate in a Facebook post.	POLITICAL ACTIVITY; SOCIAL MEDIA; PERSONAL CAPACITY; OFF DUTY; CITY RESOURCES; CITY TITLE; STATUS AS A CITY EMPLOYEE; POST; CONCERT OR COORDINATION; POLITICAL PARTY; CANDIDATE; PARTISAN POLITICAL GROUP; FUNDRAISE; LINK; SHARE; RETWEET; LIKE; REACT; TWITTER; FACEBOOK; INSTAGRAM; HASHTAG; TAG; TWITTER HANDLE; POLITICAL COMMITTEE; FORMER CANDIDATE; INCUMBENT  Charter § 10-107; Board Regulation 8; <i>compare</i> General Counsel Opinion 2017-505