

**Philadelphia Board of Ethics  
Meeting Minutes**

February 21, 2024 – 1:00 p.m.

One Parkway Building  
1515 Arch Street, 18th Floor

**Board Present (via video)**

Michael H. Reed, Esq., Chair  
Brian McCormick, Esq., Vice-Chair  
Sanjuanita González, Esq.  
Ellen Mattleman Kaplan, Esq.  
Dr. Valerie Harrison, Esq.

**Staff Present (via video)**

J. Shane Creamer, Jr., Esq.  
Jordana Greenwald, Esq.  
Thomas Klemm, Esq.  
Michael Gutierrez, Esq.  
Richard Barzaga, Esq.  
Dakota Baeringer, Esq.  
Julia Sheppard, Esq.  
Erin Ambrose, Esq.  
Bryan McHale  
Hortencia Vasquez

**Approved by the Board on 03/20/2024**

The meeting was conducted electronically via the Zoom video-conferencing platform.

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 January 17, 2024, as presented.

A video recording of the January 17, 2024 meeting can be found at: [ethics.pub/011724](https://ethics.pub/011724).

**II. Civil Litigation Announcement**

Chair Reed announced that the Board and its Executive Director are the subjects of a civil action brought in the Court of Common Pleas by For a Better Philadelphia, Jeff Brown and David Maser relating to enforcement of the City's Campaign Finance Law. The Board is represented by David Smith of Dilworth Paxon, LLP in this matter. All questions regarding this litigation should be directed to Mr. Smith.

**III. Executive Director's Report**

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

#### **IV. General Counsel's Report**

Ms. Greenwald presented to the Board the General Counsel's Report, a copy of which is attached hereto as Attachment B.

As a supplement to her report, Ms. Greenwald noted that Danielle Gardner Wright had resigned from her position at the Board of Ethics and will now be serving the City as the Chief Integrity Officer, a position formerly held by Sarah Stevenson. Ms. Greenwald also informed the Board that Jessica Sanchez had recently resigned from her position as Senior Legislative Counsel & Chief Ethics Officer at the Office of City Council President. Following this announcement, Chair Reed, on behalf of the Board, thanked Ms. Gardner Wright, Ms. Stevenson, and Ms. Sanchez for their services to the City and wished them the best of luck in their future endeavors.

#### **V. Conducting the March 20, 2024 Board Meeting via a "Hybrid" Format**

Ms. Greenwald proposed that the March 20, 2024 Public Session Meeting be conducted in a "hybrid" format with options for both in-person and virtual participation. After members of the Board and Staff discussed the matter, Ms. Greenwald requested a motion for the Board to formally change the March 20, 2024 Public Session Meeting to a "hybrid" format, contingent on the success of systems testing conducted by Board staff.

After a motion that was duly seconded, the Board voted 5-0 to approve the motion.

#### **VI. Personnel Matter**

Ms. Greenwald asked the Board to approve a motion to: 1) authorize the General Counsel to fill a new Senior Staff Attorney position to be assigned to the General Counsel Staff at a starting salary of \$90,000; and 2) obtain all necessary approvals from the City's Finance Department and the Office of Human Resources. The new attorney would be expected to assist with the training activities that had been performed by Ms. Gardner Wright.

After a motion that was duly seconded, the Board voted 5-0 to approve the motion.

Mr. Creamer asked the Board to approve a motion to increase the annual salaries of the following Staff members with such raises to be retroactively effective from January 1, 2024:

- Thomas Klemm, Senior Staff Attorney – increase of \$12,000/year
- Michael Gutierrez, Senior Staff Attorney – increase of \$6,500/year
- Richard Barzaga, Senior Staff Attorney – increase of \$6,500/year
- Dakota Baeringer, Staff Attorney – increase of \$5,000/year
- Julia Sheppard, Staff Attorney – increase of \$5,000/year

After a motion that was duly seconded, the Board voted 5-0 to approve the motion.

## **VII. Proposed Amendments to Regulation No. 1 (Campaign Finance)**

Ms. Greenwald presented to the Board draft amendments to Regulation No. 1 (Campaign Finance). After Ms. Greenwald's presentation, Board Members and Staff discussed the proposed amendments.

At the conclusion of these discussions, Ms. Greenwald requested a motion to: a) approve the proposed amendments to Regulation No. 1 for posting after Law Department review as presented; b) authorize Staff to submit the approved regulation to the Law Department for its review; c) authorize the Board Chair to address any non-substantive edits or changes recommended by the Law Department; and d) upon approval by the Law Department, submit a copy of the new regulation to the Records Department for public comment posting.

After a motion that was duly seconded, the Board voted 5-0 to approve the motion.

At this time, Ms. Greenwald requested a motion to authorize Staff to schedule a public hearing regarding the proposed amendments to Regulation No. 1 for 1:00 p.m., March 20, 2024.

After a motion that was duly seconded, the Board voted 5-0 to approve the motion.

## **VIII. New Business**

No new business was presented.

## **IX. Questions & Comments**

Adam Bonin expressed his enthusiasm regarding reviewing the proposed amendments to Regulation No. 1. He also opined that the City's Finance Director miscalculated the quadrennial adjustment of contribution limits, but noted that was outside of the Board's control.

Danielle Gardner Wright thanked members of the Board and Staff for her time working at the Board and everyone's well wishes regarding her new role as Chief Integrity Officer.

## **X. Sunshine Act**

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

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The Public Session Meeting of the Board was adjourned at approximately 2:20 p.m.

# **ATTACHMENT A**

To Feb. 21, 2024 Public Session Minutes

*Feb. 21, 2024 Exec. Dir. Report*

**Philadelphia Board of Ethics  
Executive Director's Report  
February 21, 2024**

**A. Quadrennial Adjustment of Contribution Limits**

Every four years, the City's Finance Director must certify an adjustment of the maximum annual amounts of political contributions permitted to be made to, or accepted by, a candidate for City elective office or their political committee. This adjustment is based on the Consumer Price Index.

Accordingly, the Finance Director certified that as of January 1, 2024, the campaign finance contribution limits have increased to \$3,700 for contributions from an individual and \$14,800 for contributions from a person other than an individual (i.e., political committees, partnerships, sole proprietorships, or other forms of business organization).

On February 9<sup>th</sup>, the Board issued an advisory alert on our website, through our Twitter and LinkedIn pages, and to our campaign finance mailing list.

**B. Lobbying in 2023 (Expense Reports)**

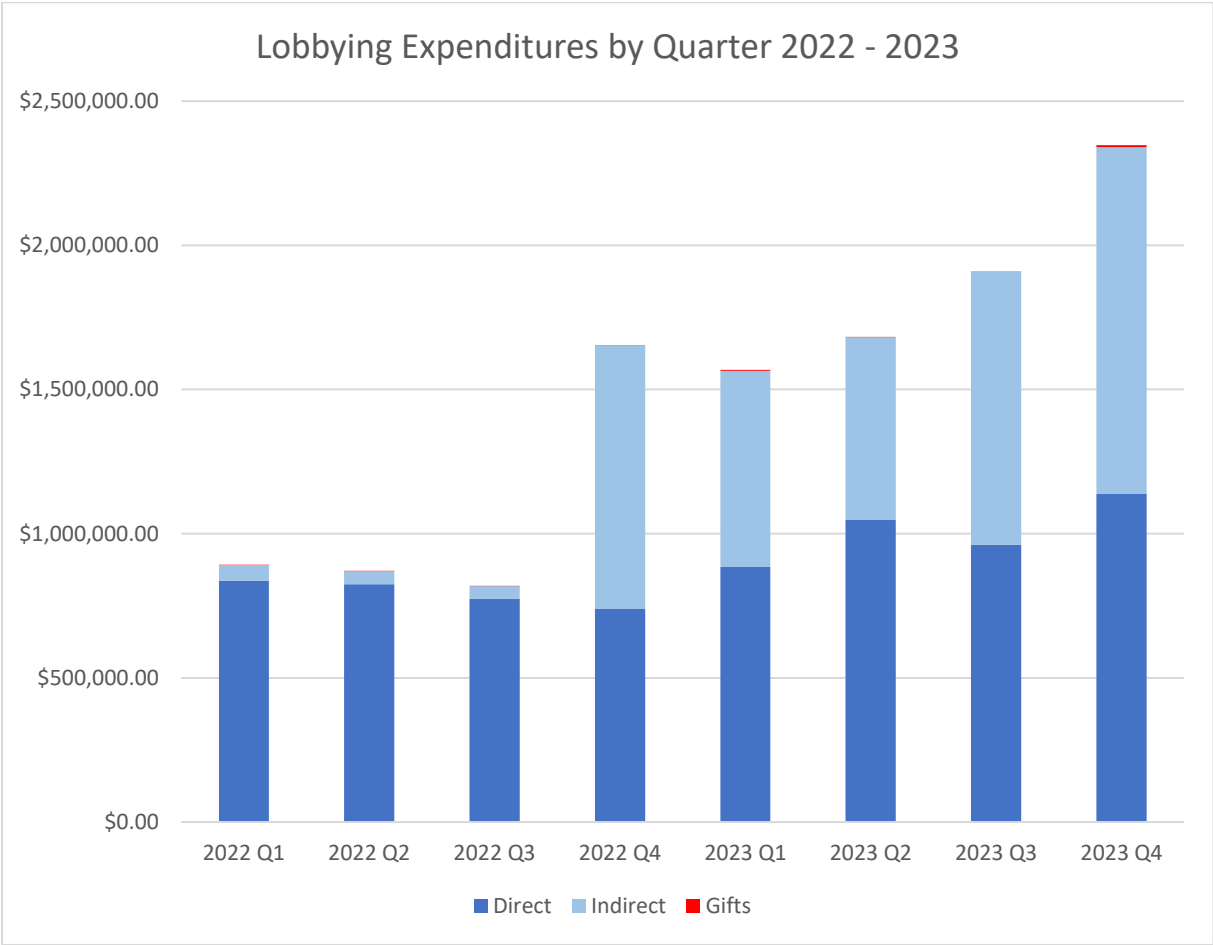
Last month we looked at an overview of Lobbying registrations in 2023. Now that 2023 Fourth Quarter expense reports have been filed, we can similarly look at the lobbying activity information. As you can see in Table 1, in 2023 lobbying principals disclosed having spent a total of \$7,504,857.88 on lobbying activity in Philadelphia, up from the \$4,249,607.67 in 2022.

**Table 1**

	<b>2022</b>	<b>2023</b>
<b>DIRECT COMMUNICATIONS</b>	\$3,192,223.41	\$4,030,869.66
<b>INDIRECT COMMUNICATIONS</b>	\$1,055,028.66	\$3,464,700.74
<b>GIFTS</b>	\$2,355.60	\$9,287.48
<b>TOTAL</b>	\$4,249,607.67	\$7,504,857.88

Chart 1 shows how the expenditures are broken down by quarter over the last two years.

**Chart 1**



In Table 2 we have compiled the top ten entities by spending over the last two years. Entities that were in the top ten in both years are in bold.

**Table 2**

<b>2022</b>			<b>2023</b>	
<b>1)</b>	<b>CBL Realty LLC</b>	<b>\$985,462.65</b>	<b>CBL Realty LLC</b>	<b>\$3,423,403.10</b>
<b>2)</b>	Cubic Transportation Systems, Inc.	\$151,434.90	Comcast Spectacor, LLC	\$297,601.63
<b>3)</b>	<b>Pennsylvania Restaurant &amp; Lodging Association</b>	<b>\$118,841.02</b>	The Pew Charitable Trusts	\$150,607.56
<b>4)</b>	Cobbs Creek Foundation	\$115,000.00	<b>Pennsylvania Restaurant &amp; Lodging Association</b>	<b>\$119,265.79</b>
<b>5)</b>	<b>Goldenberg Group</b>	<b>\$114,000.00</b>	Asian Pacific Islander Political Alliance	\$110,214.41
<b>6)</b>	Pace-O-Matic	\$107,500.00	<b>PRWT Services, Inc &amp; subsidiary US Facilities, Inc.</b>	<b>\$96,000.00</b>
<b>7)</b>	<b>PRWT Services, Inc &amp; subsidiary US Facilities, Inc.</b>	<b>\$96,000.00</b>	<b>Grubhub Holdings, Inc.</b>	<b>\$90,000.00</b>
<b>8)</b>	<b>Grubhub Holdings, Inc.</b>	<b>\$75,115.38</b>	<b>Goldenberg Group</b>	<b>\$84,000.00</b>
<b>9)</b>	<b>Independence Blue Cross, LLC</b>	<b>\$75,000.00</b>	<b>Independence Blue Cross, LLC</b>	<b>\$75,000.00</b>
<b>10)</b>	Hilco Redevelopment Partners	\$70,000.00	United Way	\$75,000.00

**ATTACHMENT B**

To Feb. 21, 2024 Public Session Minutes  
*Feb. 16, 2024 Gen. Counsel Report*





## CITY OF PHILADELPHIA BOARD OF ETHICS

### FEBRUARY 2024 GENERAL COUNSEL REPORT

**TO:** Board Members  
**FROM:** Jordana L. Greenwald, General Counsel  
**DATE:** February 16, 2024

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#### I. Advisory Opinions

On January 31, 2024, I issued Non-public General Counsel Opinion No. 2024-501 applying the City’s political activity rules to a City official’s interactions with a constituent who supported a political opponent. By the time of the Board’s public meeting, the attached redacted opinion will be posted on the Board’s website at [ethics.pub/2024-501](https://ethics.pub/2024-501) and shared via social media.

#### II. Training

##### Training Activity 1.13.24 through 2.16.24

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
14	15	16 General Ethics (New Councilmember) DG & JG	17	18 General Ethics DG & TK	19 Lobbying DG, JS, DB & BM	20
21	22	23 Ethics Overview (Council) DG, TK & JG	24 General Ethics (New Administration) DG & JS	25 General Ethics (New Administration) DG & JG	26	27
28	29 General Ethics (Crossing Guards) TK & JS General Ethics Refresher (Council) DG & JG	30 General Ethics (Streets Laborers) DG & JS General Ethics DG & TK	31	1 B&C Ethics (Education Nominating Panel) JG & DG	2	3
4	5	6	7	8	9 General Ethics Refresher (Council) DG & JG	10
11	12 General Ethics (Crossing Guards) DG & JS	13 General Ethics (New Administration) JG & JS	14 General Ethics TK & JS	15	16	

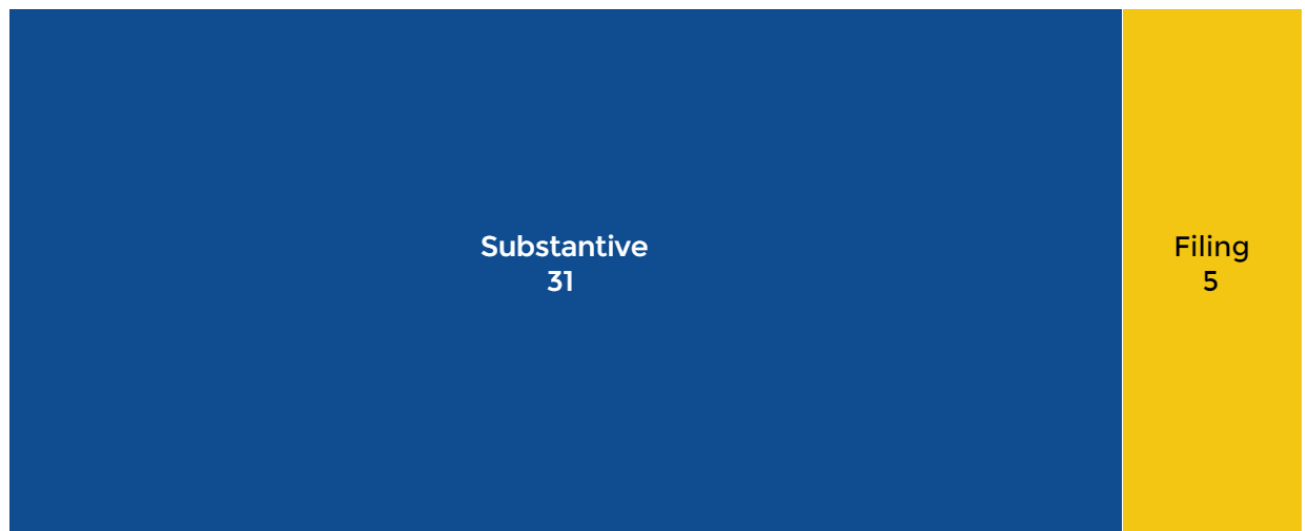
JG: Jordana Greenwald | DG: Dani Gardner Wright | TK: Tom Klemm | BM: Bryan McHale | DB: Dakota Baeringer | JS: Julia Sheppard

Training Activity 1.13.24 through 2.16.24  
 228 people @ 15 sessions

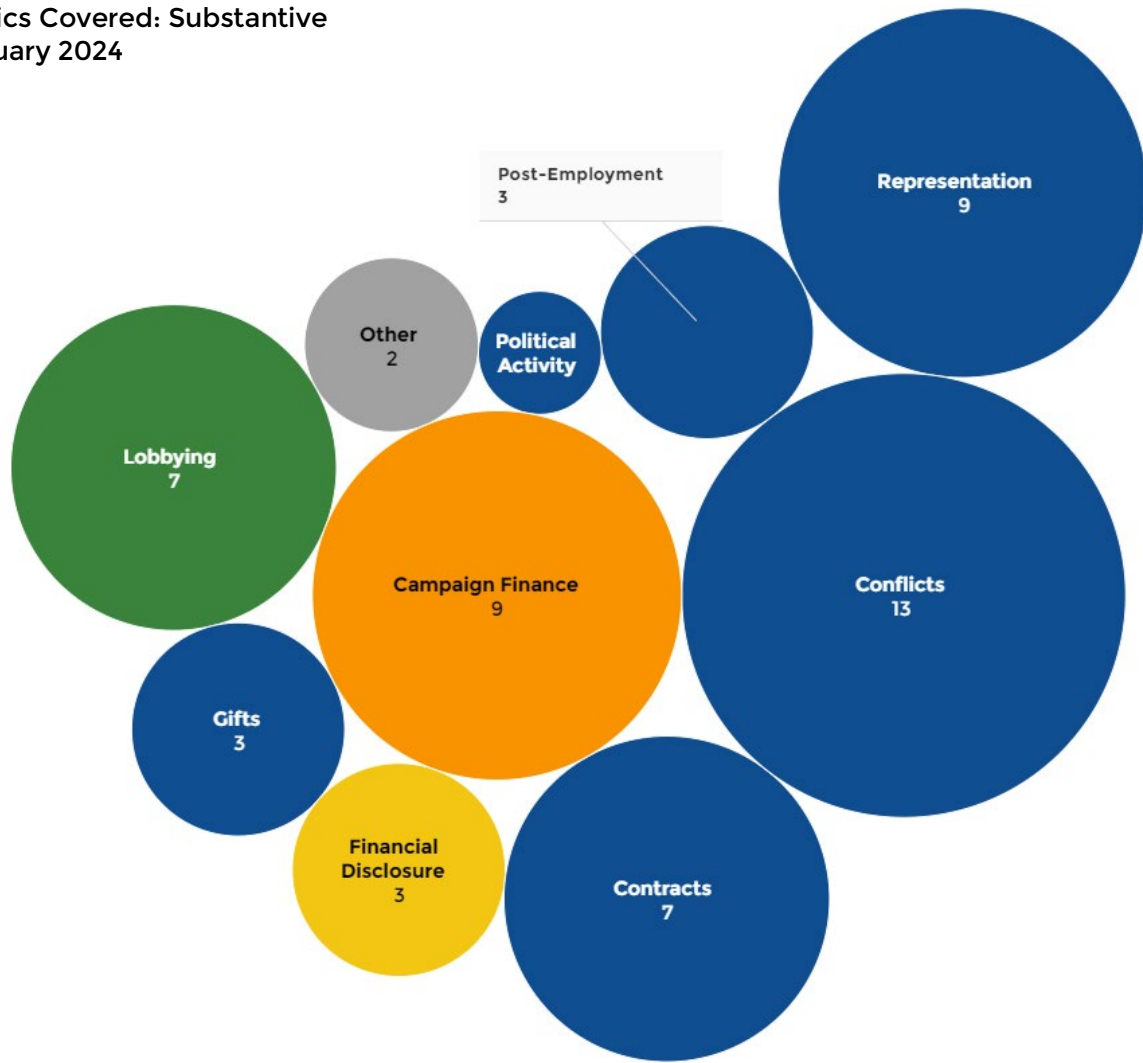


### III. Informal Guidance

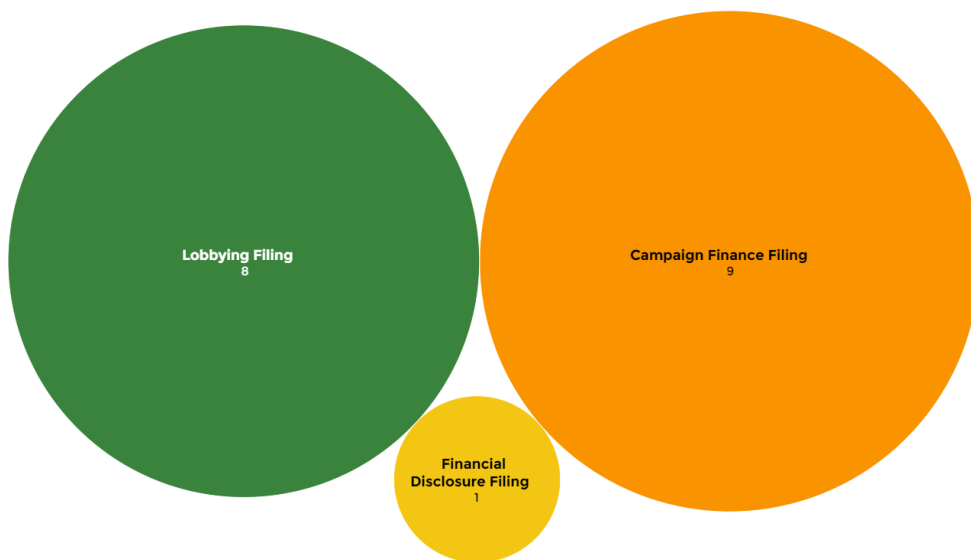
Total Requests Resolved January 2024



Topics Covered: Substantive  
January 2024



Topics Covered: Filing  
January 2024



## **Questions of Note:**

**If a registered principal holds an event and receives financial contributions toward the cost of that event, what if anything must the principal disclose on its lobbying report?**

Under the City's Lobbying Law, a principal must disclose any donor or sponsor – including someone who financially supports a specific lobbying event – who gives more than 10% of the principal's total resources, including all contributions, dues, or grants, come in a quarter. For example, if ABC Company provides more than 10% of the principal's total resources for Q1 2024, the principal will need to disclose ABC Company's name, permanent business address, and telephone number on their Q1 lobbying report.

**May a City employee attend or forward information about a rally in support of a proposed City construction project?**

Yes. So long as the rally does not support, oppose, or otherwise involve a political party, candidate, campaign, or partisan political group, it would not involve political activity.

The Ethics Code prohibits City officers and employees from representing others as an agent or attorney in any transaction involving the City, including a City construction project. As a result, a City employee may not represent the interests of anyone else, including any club or group, in dealings with the City. Attending a rally, even with apparel or signage supporting a particular group, or forwarding information about the rally does not constitute representation as an agent or attorney. Additionally, so long as the project does not involve the City employee's office and is not a matter in which they participated as part of their City job, they may represent their own interests and those of their family members.

**May City official who is a member of a nonprofit social club handle a matter involving an officer of that club?**

Yes. No conflict of interest arises under City law where the only relationship to the City official is membership in the same social club. A conflict of interest under State law would only arise if the City official was an officer director of the club *and* the club itself was a party in the matter before the City official or otherwise had a financial interest in the matter.