

Minutes of Ethics Hearing Board

May 4, 2017

Room 646, City-County Bldg.
Pittsburgh, PA 15219

Present:

Amy McCall
Sister Janice Vanderneck
John Burkoff
Jeanette Ho
Patrick Bigley
Lynn Davenport
Greg Monaco

Linda King, Executive Manager
Shannon Overholt, Investigator
Matt Stidle, Esquire

- The meeting was called to order at 4:00 p.m.
- **Initial Comments**
 - John Burkoff relayed he will be resigning from his position on the Board in June and that the Board should soon expect his resignation letter.
- **Approval of minutes**
 - A suggestion was made to amend the minutes of the April 6, 2017 meeting so that reference to Boards, Commissions and Authorities was consistent throughout the section entitled Proposed Policy regarding Conflict of Interest Disclosures. Thereafter a motion was made by John Burkoff to approve the minutes of the April 6, 2017 meeting with the amendments. Sister Janice Vanderneck seconds the motion. The motion was carried whereupon the Board voted unanimously to approve the minutes with the amendments.
- **The valuable gifts subcommittee required under section 197.07 (f)**
 - The Executive Manager called for the establishment of a subcommittee to evaluate the propriety of gifts valued at \$500 or more as provided under section 197.07(f) of the City Code. The subcommittee would consist of two Board members. This information would be listed on the

Board's website so as to be accessible to address any questions concerning the offering, soliciting or accepting of gifts valued at \$500 or more.

- It was determined that the rotation of members onto the subcommittee would be on a quarterly basis and begin with Patrick Bigley and Lynn Davenport and proceed in alphabetical order based on a board member's last name.

- **Rotation of the Probable Cause committee members**

- The Board discussed that John Burkoff will be resigning from the Board after the June Board meeting. John will remain a member of the Probable Cause Panel until June 1, 2017.
- Sister Janice Vanderneck volunteered to replace John Burkoff on the Probable Cause Panel. This rotation will become effective at the Board's June 1, 2017 meeting.
- It was agreed that the questions regarding the replacement of board members with expiring tenures be referred to the City Solicitor. Board members may serve until a successor is appointed. Amy McCall asked that tenure expiration and replacement and member accountability be revisited next meeting.

- **Proposed Language to Amend Rule 3 – Board Member as Hearing Officer**

- The Executive Manager directed attention to the Hearings section of the Code, 197.12(c), to discuss a Board member serving as the Hearing Officer. It was recommended that the Board hire an outside attorney to act in the role of Hearing Officer. The Board agreed on the hiring of an attorney to act in that capacity was a good idea.

- **Follow up Discussion of Proposed Amendment to Section 197.03 – Conflict of Interest Provision**

- The Board discussed the definition of improper influence, particularly focusing on the definition of "intent" as stated in §197.03(b). Members believed the Code should provide more specificity to describe behaviors that could be considered to demonstrate "intent." It was agreed that this would be a topic of further discussion.
- The Board agreed to change "and intent" to "and/or" intent in §197.03(b).
- There was a discussion about the definitions of "immediate family" and "direct family" as used in the Code. It was agreed that those terms needed to be amended and made consistent as we move forward with our amendments to the code.
- John Burkoff and Amy McCall suggested changing the definition of honorarium in §197.03(d). Board members also agreed to consider

adding a time period for which this section should apply to an employee upon exit.

- Jeannette Ho also recommended adding a provision addressing the misuse of a statement of financial interests as well as a provision regarding contingent or severance payments.
- Amy McCall asked the Executive Manager to consider suggestions discussed and to provide a handout of new revisions for next month's meeting.

- **Comments and Announcements**

- Amy McCall asked members whether there were any additional concerns or announcements. There were none. Amy McCall asked for a motion to adjourn the meeting. John Burkhoff moves and the Board voted unanimously in favor to approve.

The meeting was adjourned at 5:00 p.m. and our next meeting will be held on June 1, 2017 in Room 646 City-County Building, Pittsburgh, PA 15219

Minutes prepared by Shannon Overholt and reviewed by Linda King