

Minutes of Ethics Hearing Board

June 1, 2017

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

Present:

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

Linda King, Executive Manager
Lourdes Sanchez-Ridge, City Solicitor
Shannon Overholt, Investigator
Matt Stidle, Esquire

- The meeting was called to order at 4:00 p.m.
- **Approval of minutes**
 - Amy McCall called for a motion to approve the minutes. Greg Monaco moved to approve the minutes and Jeanette Ho seconded the motion. The motion was carried whereupon the Board voted unanimously to approve the minutes.
 - Amy McCall called for a motion to approve the minutes of the May 10, 2017, *Special Meeting by Teleconference*. Greg Monaco moved to approve the minutes and Patrick Bigley seconded the motion. The motion was carried whereupon the Board voted unanimously to approve the minutes.
- **Response to the Campaign Finance Law**
 - The Board discussed how to proceed with hearings for those appealing the \$1,000, Chapter 198 violation fine. With one exception, the requests to appeal the fine were primarily from individuals who dropped out of the election and therefore did not believe they should be subject to the fine. The Board's common consensus was that any individual who filed petition papers with the Board of Elections on March 7th should be held to the Chapter 198 standard, which defines a "candidate" as any individual who files nomination papers or who publically announces his or her candidacy. No official vote on this consensus was made at this

time. The Executive Manager added that all declared candidates were sent notice by letter dated March 21, 2017, by US mail, which detailed the violation and potential fine. It was pointed out that none of the candidates responded to the letter.

- The Board addressed whether there was a need to conduct an investigation for each of the alleged violators. Amy McCall expressed interest in reviewing documents that candidates were required to submit upon withdrawing from the election. There was a discussion concerning whether evidence and testimony should be collected pre-hearing or at the time of hearing. There was no official vote at this time.
 - Amy McCall asked for suggestions regarding rules of procedure for EHB hearings. The Executive Manager suggested modeling the process after Rule 1305 of the Pennsylvania Rules of Civil Procedure relating to arbitration proceedings. She agreed to draft a proposed rule and submit it to Board members so that it could be discussed at next month's meeting.
- **Oral Amendment to Agenda: Hiring Outside Counsel**
 - It was agreed that the hiring of outside counsel should be prioritized. Specifically, the Board would consider hiring counsel to serve as a Hearing Officer as well as a solicitor to present the case at the hearing. It was concluded that members would submit recommendations to the Executive Manager, who would in turn work with Chairwoman McCall to make contact with those individuals suggested. The purpose would be to seek private attorneys interested to serve in one of the two capacities discussed above, on an interim basis and/or long term.
- **Proposed Language to Amend Rule 3 – Board Member as Hearing Officer**
 - The Executive Manager outlined the changes made to Rule 3 since last month's meeting. It was agreed that the words, "who is also an attorney" would be removed from subsection (iv) of the Rule. Greg Monaco made a motion to approve the revised Rule 3 and Jeanette Ho seconded the motion, whereupon the motion was carried.
- **Follow up Discussion of Proposed Amendment to Section 197.03 – Conflict of Interest Provision**
 - Board members agreed on the final proposed language to 197.03(d) related to the definition of honorarium. The Chair confirmed that the suggested changes to the definition be made and then be submitted to the City Solicitor's office for their comment. This commentary would be discussed at next month's meeting.

- It was agreed that 197.07 – Offering, Soliciting or Accepting Gifts would be the next section of the Code to be examined.

- **Comments and Announcements**
 - Amy McCall asked members whether there were any additional concerns or announcements. There were none and the meeting was adjourned.

Meeting adjourned at 4:57 p.m. Next meeting will be held on July 6, 2017 in Room 646 City-County Building, Pittsburgh, PA 15219

Minutes prepared by Shannon Overholt and reviewed by Linda King