

MINUTES OF THE ETHICS HEARING BOARD
City of Pittsburgh Ethics Hearing Board (“Board”)
Video Meeting via Zoom and Livestreamed on Pittsburgh City Channel YouTube
May 12, 2022

Board Members Present:

Patrick Bigley
Maryann Herman
Alex Matthews (entered meeting after vote on minutes)
Rhoda Neft
Orlando Portela-Valentín (entered meeting after vote on minutes)
Jennifer Richnafsky
Samantha Bushman
David Quinn

Board Members Absent:

Brazitte Poole

Staff, Advisors and Others Present:

Leanne Davis, Executive Director
Karl Gassmann, Investigator & Engagement Coordinator
City Channel Staff (during open sessions of the meeting)

- I. Call to Order
 - a. This meeting was called to order at 4:17 p.m. by Board Vice Chair, Maryann Herman. The meeting was livestreamed on the City’s YouTube Channel.

- II. Public Comment:
 - a. There was none.

- III. Minutes:
 - a. After a review of the April 5, 2022 minutes, Jennifer Richnafsky moved to adopt the minutes. David Quinn seconded the motion, whereupon the Board voted unanimously to approve the minutes, with David Quinn and Samantha Bushman abstaining, due to their absence at the April meeting.

- IV. Committee Reports
 - a. Gifts
 - i. No report.
 - b. Legislation
 - i. The Executive Director presented the committee’s proposed edits to 197.02, 197.03 and 197.10. The proposed edits would:
 1. Update the definition of “influence” to include use of position/authority/confidential information. Adding an two exceptions brought in from the state’s definition of “conflict of interest,” including

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- the subclass exception and the “de minimis” or, here, “nominal,” exception.
2. Expand the prohibition on conflict of interest to include exerting influence for private pecuniary gain.
 3. Clarify the personal jurisdiction of the Ethics Hearing Board where there is overlap between the Code of Conduct and the State Statute, the Ethics Hearing Board can only assist covered parties at the city level.
- ii. Samantha Bushman moved to adopt the changes, as amended, to 197.02, 197.03, and 197.10, as follows. One of the amended changes included striking the state’s term “de minimis” to instead use the City’s defined term of “nominal.”

§ 197.10 - JURISDICTION.

- a. All complaints with respect to violations of any terms of the State Statute relating to state employees shall be within the sole jurisdiction of the Pennsylvania State Ethics Commission. The Ethics Hearing Board shall have jurisdiction to hear and the independent investigator shall have the authority to investigate only those complaints relating to the municipal matters and covered parties addressed in this Code of Conduct. Chapter, the Pittsburgh Charter and the Pittsburgh Code, and not contained in the State Statute (the "City provisions")

§ 197.03 - CONFLICT OF INTEREST.

- a. No public official or public employee shall exert influence with respect to property or a business with which they or a member of their direct family is associated. No public official or public employee shall exert influence for the private pecuniary benefit of themselves or a member of their direct family.

§ 197.02 - DEFINITIONS.

(f.) INFLUENCE. Use by a public official or public employee of the authority of their office or employment or any confidential information received through their holding public office or employment; ~~the~~ the proposal of, the voting on or the participation in any legislative discussion of or attempt to influence the course of any proposed legislation of the city; the participation in the selection, award or administration, other than of a ministerial nature, of any contract, benefit or award to which the City is a party or which is supported by any public funds administered by the city; participation in any matter involving, other than on a ministerial basis, the inspection, regulation, licensing or auditing of an entity by or as required by the city. The term does not include an action having a nominal economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of their direct family or a business with which they or a member of their direct family is associated.

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iii. Rhoda Neft seconded the motion, whereupon the Board voted unanimously to approve the changes.

c. Campaign Finance and Disclosures

- i. The Engagement Coordinator gave an update on response and outreach efforts regarding the Statement of Financial Interests. Since February, staff has been helping City employees and officials determine whether their position requires them to file, and assisted with these filings and amendments through training and personalized instruction. In the process, staff compiled lists of positions in each department, for the purpose of creating a searchable database that would allow any employee to determine if theirs is a “public employee” position in the future.
- ii. Staff shared a plan to seek input from the public regarding campaign finance disclosures and regulations.

d. Engagement

- i. Staff discussed EngagePGH, a tool that will be used to create a survey and garner public comment, and the first survey will be to solicit feedback regarding possible changes to campaign finance disclosures and regulations.
- ii. The Engagement Coordinator discussed the updated EHB pamphlet.
- iii. The Engagement Coordinator gave an update on his research of State Ethics Commission cases to be referenced in a summer video series.

V. Old Business
a. None.

VI. New Business
a. None

VII. Adjournment to Executive Session

- a. At 4:55 p.m., the meeting was adjourned into executive session to discuss a Section 197.12 update as well as upcoming requests for advisory opinions.

Minutes prepared by Karl Gassmann and reviewed by Leanne Davis.