

# MINUTES OF THE ETHICS HEARING BOARD

June 25, 2020

City of Pittsburgh Ethics Hearing Board (“Board”)  
Video Meeting via Zoom and Livestreamed on YouTube

## Board Members Present:

Pat Bigley  
Samantha Bushman  
Lynn Davenport  
Maryann Herman  
Alex Matthews  
Jennifer Richnafsky

## Staff, Advisors and Others Present:

Leanne Davis, Executive Manager

- Call to Order:
  - This primary monthly meeting was called to order at 4:20 p.m. by Board Chair, Alex Matthews.
- Public Comment:
  - The Executive Manager reviewed email and the YouTube livestream page for any public comments. There was none.
- Approval of Minutes:
  - Alex Matthews called for a review of the draft minutes from June 11, 2020.
  - There were no corrections or objections.
- Employment Waiver Review:
  - The Board received additional information in reply to the Board’s response to a prior inquiry relating to an employment waiver, as discussed in the May 14 and June 11, 2020 meetings.
  - Section 197.05 generally provides:
    - (1) an employee/official is prohibited from promoting the advancement or hiring of someone related to them as an immediate family member (immediate family is a defined term) to any role within City government, and
    - (2) anyone (including non-family) is prohibited from advancing or hiring someone into a position where the applicant would be supervised by an immediate family member.
    - (3) The Ethics Board can provide a waiver that the employment or appointment of a family member would not harm the public interest; the Board determines whether the public interest could be harmed by applying a balancing test.
  - The Board entered into executive session to deliberate as to how the newly submitted information applies to the law.
  - The Board later exited the executive session.

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- The Board concluded that in this case, after balancing the factors provided in Section 197.05, it would harm the public interest to allow a supervisor to assign work, including the potential for overtime, and to evaluate the performance of their direct family member. The Board noted that a conflict of interest occurs when one's official duties result in a not insignificant financial benefit to themselves, their family member, or a business with which they or the family member is associated.
- Maryann Herman made a motion directing the Executive Manager to submit the Board's opinion to the inquirer. Jennifer Richnafsky seconded the motion. There were no objections or abstentions to the conclusion. Lynn Davenport believed the entire matter was preempted by state law. The motion passed.
- The Executive Manager will convey the Board's opinion to the inquiring party.
  
- New Business:
  - There was no new business.
  
- Public Comment:
  - The Executive Manager conducted a second check for public comment. There was none.
  
- Adjournment:
  - At approximately 5:09 p.m., after confirming there was no new public comment or new business, Maryann Herman moved to adjourn the meeting. Jennifer Richnafsky seconded the motion, whereupon the meeting concluded.

### Next meeting dates:

All meetings will be held via video conference and livestreamed until further notice, with a link to the livestream posted on <http://www.pittsburghpa.gov/ehb/ehb-meetings>, which also provides a full list of 2020 scheduled meetings.

Minutes prepared by Leanne Davis.