

Minutes of Ethics Hearing Board

December 7, 2017
Room 646, City-County Bldg.
Pittsburgh, PA 15219

Present:

Amy McCall
Sister Janice Vanderneck
Jeanette Ho
Patrick Bigley
Lynn Davenport
Khalif Ali
Orlando Portela Valentin

Linda A. 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 the minutes**
 - Jeanette Ho suggested grammatical amendments to the minutes. Amy McCall then called for a motion to approve the minutes as amended. Lynn Davenport moved to approve the minutes and Jeanette Ho seconded the motion. The Board voted unanimously to approve the minutes whereupon the motion was carried.
- **Welcoming the new Board Members**
 - Amy McCall stated this agenda item would be considered later in the meeting when all new members scheduled to be in attendance were present.
- **Confirming dates for Campaign Finance Violation Hearings**
 - The Executive Manager stated that letters had been sent to the respondents scheduling the continuation of their hearings on December 19, 2017. To the extent that she has not heard back from the respondents or their attorneys regarding this hearing date, she suggested that Board members move forward with assuming this date for their scheduling purposes. It was determined that the hearings would take place in Room 646 of the City-County Building between the hours of 1 p.m. and 5 p.m. The first hearing was scheduled for 1 p.m. and the second was scheduled for 2:30 p.m.

- The Executive Manager distributed her investigative report in the matter of case number 001-C-2016. She indicated that the investigative report in the companion case, 002-C-2016, would be completed and available very soon. She suggested that once the Board has had a chance to review the reports, hearings should be scheduled in January.
- **Continuing discussion concerning proposed amendment to the Gift provision of the Code**
 - The Executive Manager reported on the status of the proposed policy that she is drafting based on the Board's discussion at last month's meeting concerning the need to update the Gift provision in the Code. She stated that she reviewed Chicago's Code of Conduct as a basis for constructing the draft, but discovered that she needed more guidance from the Board regarding their position with respect to gratuities and other matters. She asked the Board to re-visit that discussion.
 - Assistant City Solicitor, Matt Stidle, cited Section 706 of the Code, Prohibitions in General, and explained its role in shaping the Gift provision. It was agreed that Section 706 would provide some guidance in drafting the proposed policy.
 - Several suggestions were made regarding gratuity policy. Some Board members favored permitting gifts so long as there was a low threshold, while others favored prohibiting gifts all together. Other members suggested allowing gifts, but implementing greater specificity in the Code's language and definitions, particularly in the context of job type. For instance, a Code Inspector's policy for accepting gifts should differ from a City employee involved in waste collection, given that the former job type involves decision-making and risk of favoritism, increasing the possibility of violating the conflict-of-interest laws. Greg Monaco suggested adding specifications regarding gift type to the provision.
- **Update and discussion concerning the responses received from McBurney and Cibrone-Abate**
 - Amy McCall requested to amend this agenda item by separating it into two parts. The first part would be to discuss responses received from Gary McBurney and Cletus Cibrone-Abate following the Board's Findings of Fact, Conclusions of Law and Final Order in each case. The second would be to discuss those candidates who have still not filed any Campaign Finance Reports.
 - Linda King reported that Cletus Cibrone-Abate failed to file her forms as outlined in the Final Order. The Board agreed unanimously that Cibrone-Abate's fine should be in the full amount of \$1,000, as originally determined. Next, Linda King reported that Gary McBurney did file his Report, however it was filed three (3) days after the deadline outlined in the Final Order.

- It was decided that the Board would provide McBurney with an opportunity to explain why his Report was late and to show cause why the Board should not fine him in the full amount. It was determined that proceeding with the decision in this manner would allow McBurney an opportunity to explain the reason for his late filing as well as allow the Board to use further discretion in their decision. Amy McCall asked the Executive Manager to draft a letter addressed to McBurney, notifying him of his opportunity to come before the Board to show cause. A motion was called to approve the plan relative to McBurney. Lynn Davenport moved to approve and Jeanette Ho seconded the motion. The motion was approved.
 - The Board then considered the candidates who had not filed any Campaign Finance Reports post the primary election and how to proceed under the circumstances. The Executive Manager confirmed that she had sent letters to these candidates notifying them of the need to file and potential consequences for their failure to do so. Board members determined these candidates should be subjected to a fine for the failure to file any post primary Reports, up to a maximum fine of \$1,000.00. It was further determined that partial filers would be fined up to a maximum of \$200.00.
 - Amy McCall asked for a motion for the Executive Manager to send letters to candidates notifying them of their fine amounts. Patrick Bigley moved to approve and Lynn Davenport seconded the motion. The Board voted unanimously for its approval, whereupon the motion was carried.
- **Comments and Announcements**
 - At this time, Amy McCall returned to an earlier agenda item as she welcomed new members, Orlando Portela Valentin and Khalif Ali. Fred Brown was not present at this meeting and will therefore be welcomed and introduced at next month's meeting.
 - The Board noted that the last probable cause panel's tenure had ended and determined that Greg Monaco would be rotating off the Panel and Khalif Ali would rotate on. Therefore, the current probable cause panel is Jeanette Ho, Sister Janice Vanderneck and Khalif Ali. Future rotation of the probable cause panel will be according to the alphabetical order of the member's sponsoring group.
 - Amy McCall asks for the status of the search for a new Executive Manager due to Linda King's impending departure. The City Solicitor advised that the job advertisement would be posted December 8, 2017.
 - Amy McCall asked members whether there were any additional concerns or announcements. The City Solicitor briefly described the recent Budget Hearing that she and the Executive Manager attended with City Council and its positive results.

- There were no additional concerns or announcements whereupon Amy McCall made a motion to adjourn. Khalif Ali moved to approve and Sister Janice Vanderneck seconded the motion, whereupon the meeting was adjourned.

The meeting adjourned at 5:10 p.m. The next meeting will be held on January 4, 2017.

Minutes prepared by Shannon Overholt and reviewed by Linda A. King