

Minutes of Ethics Hearing Board

January 4, 2018
Room 646, City-County Bldg.
Pittsburgh, PA 15219

Present:

Amy McCall
Jeanette Ho
Patrick Bigley
Lynn Davenport
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 4:11 p.m.
- **Approval of the minutes**
 - Amy McCall called for a motion to approve the minutes of the December Board meeting. Patrick Bigley moved to approve the minutes and Lynn Davenport seconded the motion. The Board voted unanimously to approve the minutes whereupon the motion was carried.
- **Welcoming the new Board Members and Election of Officers**
 - Amy McCall stated that this agenda item would be considered at next month's meeting when all new members are in attendance.
 - It was announced that Sister Janice Vanderneck tendered her resignation from the Board due to personal reasons. Amy McCall asked whether any members would like to volunteer to fill the position of Vice Chair, previously held by Sister Vanderneck. After consideration, it was determined that Board member, Jeanette Ho would serve as the Vice Chair. In addition, the position of Board Secretary was not filled after the resignation of Chris Amar. Board member, Orlando Valentin, volunteered to serve as the Secretary of the Board. Amy McCall called for a motion to approve Orlando and Jeanette for the aforementioned positions. Patrick Bigley moved to approve and the motion was seconded by Lynn Davenport, whereupon the Board voted unanimously to approve the motion.

- **Discussion related to scheduling the two upcoming hearings.**
 - The Board discussed the Complaints filed in case numbers 001-C-2016 and 002-C-2016. The Executive Manager asked the Board whether they intended to schedule hearings for the cases and, if so, their availability. She stated that she is waiting for responses from outside counsel and the Hearing Officer regarding their availability should hearings be scheduled. She recommended that hearings be arranged for late January or early February should the Board decide to move forward with each case.
 - The Executive Manager referred to Section 197.12(b)(6) of the Code, which states that upon completion of the Investigation, the Executive Manager will submit her investigative report indicating whether a code violation was revealed and whether the Manager makes a recommendation to proceed to a hearing or terminate a case.
 - The Executive Manager recommended that a hearing be scheduled in case number 001-C-2016 and that case number 002-C-2016 be terminated.
 - Amy McCall called for a motion to terminate case 002-C-2016. Orlando Valentin moved to approve and Lynn Davenport seconded the motion, whereupon the motion was carried and case 002-C-2016 was terminated. Amy McCall then called for a motion to schedule a hearing for case 001-C-2016. Lynn Davenport moved to approve and Jeannette Ho seconded the motion, whereupon the motion was carried and a hearing will be scheduled.

- **Discussion related to the Findings of Fact for Mark Johnson and Darlene Harris.**
 - There was a discussion regarding the need to finalize the Findings of Fact in the Mark Johnson and Darlene Harris cases. The Board concluded that the matter was more properly the subject of discussion in an Executive Session of the Board. It was agreed that an Executive Session would be conducted via teleconference at a later date to discuss the matter further.

- **Continuing discussion concerning proposed amendment to the Gift provision of the Code**
 - The Board was presented with a first draft of the proposed revisions to the Gift provision as prepared by the Executive Manager. Members were also provided with handouts containing samples of Gift provisions from various major cities and other drafts of proposed revisions to the Code. Amy McCall suggested the Board take the handouts home for review and make revisions to the Executive Manager's draft as they deem appropriate, and to have such revisions prepared for discussion at next month's meeting.

- **Update concerning the issuance of tentative fines**
 - The Executive Manager reported that Cletus Cibrone-Abate did not pay the \$50 fine as ordered in the Findings and Order previously issued by the Board and relating to her violation of the campaign finance ordinance. Under the Order, due to the non-payment, Ms. Cibrone-Abate's fine reverts to the original amount of \$1,000. Ms. Cibrone-Abate also failed to file any reports for the post-primary period, as required under the Code. She was given notice that her reports were due and the opportunity to correct a potential violation. Ms. Cibrone-Abate did not file as required nor did she file an objection within the time period given, to the imposition of another \$1,000 fine.
 - The Executive Manager also reported that a letter was sent to Robert Daniel Lavelle notifying him of his failure to file some of his reports and the tentative fine that may be issued against him. Mr. Lavelle did not submit an objection in writing to the tentative fine within the time period given. However, Mr. Lavelle did visit the Ethics Hearing Board office on December 27, 2017 to file forms for November and December, 2017.
 - The Executive Manager stated that Theresa Kail-Smith erroneously was sent notice of a tentative due to a gap in her reports. It was later determined that the gap was only a few days. Ms. Kail-Smith was advised to file an amended report if any contributions were received during that gap, and that there would be no fine imposed.

- **Comments and Announcements**
 - Amy McCall asked members whether there were any additional concerns or announcements. There were none. At this time Amy McCall called for a motion to adjourn the meeting. Patrick Bigley moved to approve and Jeanette Ho seconded the motion, whereupon the meeting was adjourned at 4:58 p.m.

The meeting adjourned at 4:58 p.m. The next meeting will be held on February 1, 2018.

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