

**CITY OF PITTSBURGH
ETHICS HEARING BOARD**

IN RE:

LEON FORD,

Respondent.

Case No. 19-C-004

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER**

APPEARANCES:

COMPLAINANT:

Pittsburgh Ethics Hearing Board
328 City-County Building
414 Grant Street
Pittsburgh, PA 15219

COUNSEL FOR COMPLAINANT:

David Berardinelli, Esquire
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3000 Koppers Building
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HEARING OFFICER:

Hon. William F. Ward
Rothman Gordon, P.C.
310 Grant Street – Third Floor
Pittsburgh, PA 15219

RESPONDENT: FAILED TO APPEAR

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

AND NOW, the Public Hearing Subcommittee (“the Hearing Panel”) of the City of Pittsburgh Ethics Hearing Board (“the Board”), having considered the complaint, testimony and evidence presented at a Public Hearing held on April 29, 2019 (“the Hearing”), conducted pursuant to Pittsburgh City Code Ordinance Title I, Article XI, Chapter 197 *et seq.* (“the Ethics Code” or “Code”), the Hearing Panel issues the following Findings of Fact, Conclusions of Law and Final Order:

I. FINDINGS OF FACT

1. Mr. Leon Ford (“Ford” or “the Respondent”) was a candidate for office under the Pittsburgh City Code (“Code”) as of March 1, 2019.
2. As a candidate for office, Ford was required by the Code to file certain campaign finance reports.
3. By letter dated February 11, 2019, Leanne Davis, the Executive Manager of the City of Pittsburgh Ethics Hearing Board (“Davis”), notified Ford of the financial limitations and campaign finance reporting requirements under Chapter 198 of the Pittsburgh City Code. See LF Exhibit 1. Davis provided Ford with a link to the City’s forms to be used to file his campaign finance reports, and also set forth the deadlines for the campaign finance reports to be filed with the Board before the primary election: March 1, 2019; April 1, 2019; and May 1, 2019. Davis also provided Ford with a full copy of Chapter 198 of the Pittsburgh City Code. See LF Exhibit 1A.
4. Davis sent her letter to Ford at an address used by Ford’s campaign on other public filings. LF Exhibit 1; see also Transcript of Hearing of April 29, 2019 (“Transcript”) at pages 14-15.

5. On February 14, 2019, and on February 28, 2019, Davis sent to Ford (via the email address voteleonford@gmail.com) additional notices of the need for Ford to file his campaign finance reports on March 1, 2019. Those emails were admitted as LF Exhibit 2 and LF Exhibit 3 at the Hearing. See Transcript at pages 15-16.
6. The emails described above did not “bounce back” to Davis. See Transcript at page 16.
7. Respondent did not file any campaign finance reports by March 1, 2019. Further, as of the date of the Hearing, Ford had not filed any of the required reports. See Transcript at page 24.
8. During a phone call on March 5, 2019, Ford offered to send his campaign finance reports to Davis via email. See LF Exhibit 4 and Transcript at pages 11 and 17-18. During those communications, Davis reminded Ford of his need to file his campaign finance reports and provided him with a link to relevant campaign finance information on the Board’s website.
9. On March 6, 2019, Ford informed Davis that, because his scanner was not working, he would bring the reports to Davis. See LF Exhibit 4. Also, in a phone call on that date, Davis advised Ford of the time periods that the campaign finance reports needed to cover. See Transcript at pages 19-20.
10. On March 7, 2019, Davis again reminded Ford of his failure to file the forms, and advised him of the penalties. See LF Exhibit 4 and Transcript at page 20.
11. Despite Ford’s statement that he would file his forms (Transcript at page 18), no campaign finance reports were ever provided by Ford to Davis or filed by Ford with the Board. See Transcript at pages 18, 20, 24.

12. A self-initiated Complaint, dated March 12, 2019 (LF Exhibit 5), was brought by the Board against Ford. It was sent to Ford by regular and certified United States Mail on or about March 18, 2019, after a three-member Probable Cause Panel of the Board decided to move forward with the Complaint. Transcript at pages 22-23.

13. On March 12, 2019, press reports publicly indicated that Ford was no longer a candidate for office. See LF Exhibit 5.

14. By email dated March 20, 2019, Davis informed Ford that he needed to file his Total Contributions Report. Further, Davis asked Ford to contact her if he were no longer running.

15. By email dated March 20, 2019, Ford informed Davis that he “is no longer running” for office. He also asked for advice to file termination reports.

16. By email dated March 21, 2019, Davis informed Ford (at his email address: voteleonford@gmail.com) of the need to “turn in several forms.” LF Exhibit 6. Davis also urged Ford to talk with her on that date because the issue regarding his reports was “time sensitive;” he did not. *Id.*; Transcript at pages 27-28.

17. Ford did not file the required campaign finance reports. Transcript at page 24.

18. On April 5, 2019, the Probable Cause Panel of the Board decided to proceed with a Public Hearing on the Complaint. LF Exhibit 7 and Transcript at page 24. The Hearing was scheduled for April 29, 2019. Notice of the hearing was sent to Respondent via email (at the same email address set forth in Paragraph 17), by regular and certified United States Mail, and by text message to the phone number with which Davis and Ford had previously had text communications. LF Exhibit 7; see also Transcript at page 13.

19. Ford did not respond to any of the notices informing him of the Hearing scheduled for April 29, 2019. Transcript at pages 27-28.

20. Despite receipt of notice of the Hearing, Ford did not appear at the Hearing.

21. On April 29, 2019, Davis testified at the Hearing. Further, numerous exhibits, including those described above, were admitted into evidence at the Hearing.

22. Based on the above, the Hearing Panel finds, by clear and convincing evidence, that Ford violated the Code by failing to submit the required campaign finance reports. Code §§ 197.12(c)(4) and 198.05.

23. All of the evidence presented at the Hearing was unchallenged by Ford.

24. The evidence established that, at \$50.00 per day, the maximum penalty for the 11 days between the filing deadline (March 1, 2019) and Ford's public announcement (March 12, 2019) that he was no longer running for office, would be \$550.00. See Transcript at page 28.

25. Further, the maximum penalty for the 59 days between the filing deadline (March 1, 2019) and the date of the Hearing (April 29, 2019) would be \$2,950.00. See Transcript at page 28.

II. CONCLUSIONS OF LAW

1. Pursuant to Section 197.12(c)(5) of the Ordinance, the Hearing Panel has the authority to issue final orders on behalf the Board.

2. Ford's withdrawal of his candidacy did not excuse his obligation to file the campaign finance reports that were due on March 1, 2019.

3. The Board has broad discretion in determining an appropriate penalty. See Code §197.16.

4. The ranges of possible penalties are set forth in Section 197.16 of the Code, as well as Section 198.06. Penalties include a fine of up to \$50.00 per day for the late or deficient filing of campaign finance reports. Code §198.06(4).

5. The Hearing Panel has discretion in determining the amount of an appropriate fine, including reducing the amount from the potential maximum fine. See Code §198.06(4).

III. FINAL ORDER

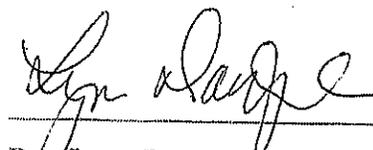
Following consideration of the Complaint, the sworn testimony and the evidence admitted during the Hearing held on April 29, 2019, the Hearing Panel deliberated, found and concluded that the Respondent, Leon Ford, violated Chapter 198 of the Ethics Code.

Accordingly, in the exercise of its discretion, the following penalty is hereby imposed by the City of Pittsburgh Ethics Hearing Board upon Ford:

The Respondent, Leon Ford, shall pay the sum of \$137.50, which is 25% of the penalty (\$550.00) that could have been imposed for the 11 days of Ford's non-compliance between the deadline for filing and the date of Ford's public announcement.

Respectfully submitted,

CITY OF PITTSBURGH
ETHICS HEARING BOARD
HEARING PANEL



By: Lynn Davenport
Chair, Hearing Panel

9/27/19

Dated