

**CITY OF PITTSBURGH  
ETHICS HEARING BOARD**

IN RE:

QUINCY KOFI SWATSON,

Respondent.

No.: 19-C-001

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND FINAL ORDER

FILED ON BEHALF OF:

City of Pittsburgh Ethics Hearing Board

APPEARANCES:

COMPLAINANT:

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

COUNSEL FOR COMPLAINANT:

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RESPONDENT:

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HEARING OFFICER:

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

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AND NOW, the Public Hearing Subcommittee (“the Hearing Panel”) of the City of Pittsburgh Ethics Hearing Board (“the Board”), having considered the complaint, stipulations, summary of exhibits and oral arguments 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. The Complainant herein is the City of Pittsburgh Ethics Hearing Board (“the Board”), which is located at 328 City-County Building, 414 Grant Street, Pittsburgh, PA, 15219. *See* QKS Exhibit 5. Leanne Davis (“Davis”) is the Executive Manager of the Board.

2. The Respondent herein is Quincy Kofi Swatson (“Swatson” or “Respondent”), an adult individual residing in Pittsburgh, PA, 15212.

3. The Board and Swatson, by stipulations and by their joint submission of *Proposed Findings of Fact and Conclusions of Law* (“Joint Finding”), submitted May 22, 2019, agree upon the following findings of fact.

4. Mr. Swatson was a candidate for office under the Pittsburgh City Code (“Code”) as of March 1, 2019. Joint Finding ¶1.

5. As a candidate for office, Mr. Swatson was required by the Code to file certain campaign finance reports. Joint Finding ¶2.

6. By letter dated February 11, 2019, Davis notified Swatson of, *inter alia*, Swatson’s financial limitations and campaign finance reporting requirements under Chapter 198 of the Code. Davis provided Respondent with a link to the forms to be used to file 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 Swatson with a copy of Chapter 198 of the Code. Joint Finding ¶3.

7. By email dated February 14, 2019, Davis provided Respondent with additional notice of the need to file campaign finance reports on March 1, 2019. Joint Finding ¶4.

8. On February 18, 2019, in response to the February 14, 2019 email, Davis and Swatson spoke by telephone regarding Swatson’s reports and “what needed to be filed.” Their telephone conversation was followed by an email from Davis to Swatson stating, “Glad we could connect today and I could answer your questions about how two reports will need to be filed to capture the activity (if any) of you and your candidate committee. If you come across any other questions, please don’t hesitate to contact me. I

look forward to your feedback as to how the process can be improved as well.” Joint Finding ¶5.

9. On March 1, 2019, Swatson and Davis spoke again about the March 1<sup>st</sup> report date. That discussion was followed by an email exchange on that date in which Swatson wrote, “Thanks for taking my call earlier. Sorry to catch you at a time you were busy. Just as a follow-up, I was inquiring about the reports due today. I have donated more than \$250 to my PAC; in addition, I have loaned more than \$250 to my PAC. My questions are concerning my personal disclosure form as well as how to report this information on my PAC report. Additionally, for future reference, this is the proper email for my city PAC. You previously emailed me to the address for my State PAC (friendsofqks@gmail.com) thank you.” Davis responded, “Yes, you will need to file the above \$250 form for both yourself as a candidate and for your candidate committee detailing the transaction. More info, our campaign finance regulations and instructions are available at <http://pittsburghpa.gov/ehb/campaign-finance-info>.” Joint Finding ¶6, QKS Exhibit 4, and Transcript of the April 29, 2019 Hearing (“Transcript”) at pages 19-20, 21-22.

10. Swatson filled out the forms online, printed them, and went to get the physical copies notarized. Swatson’s efforts to deliver a physical form occurred after Davis’s regular business hours ended; however, the rules allow for digital submissions before midnight on the day the forms are due. Swatson informed Davis via telephone that, in order to provide the notarized document via email, Swatson was required to scan the physical form. Because Swatson was having technical difficulties with the scanner, Davis told Swatson that, if the difficulties persisted, Swatson could forward to Davis the pre-notarized digital version on March 1, 2019, and provide an amended version later. In a

good faith effort to comply with the Code, Swatson did submit *one* filing, with two PDF documents, during the night of March 1, 2019, entitled: [Part 1 and Part 2]. Joint Finding ¶7; QKS Exhibits 3, 3A and 4; and, Transcript at page 26-28.

11. On March 4, 2019, Davis sent an email to Swatson, stating: “I have not yet received your amended filings.” QKS Exhibit 4.

12. The notarized copies were not physically brought to the Office of Executive Manager Davis that next week. Accordingly, the Board filed a Complaint, dated March 12, 2019, against Swatson. QKS Exhibit 5, and Joint Finding ¶8.

13. On March 18, 2018, copies of the Complaint (QKS Exhibit 5) were sent by Davis to Swatson by regular and certified mail, after a three-member subcommittee (Probable Cause Panel) of the Board decided to move forward with the Complaint. QKS Exhibit 6, and Joint Finding ¶8.

14. The letter from Davis, dated March 18, 2019 (QKS Exhibits 6 and 7), also offered that, if Swatson filed the required campaign finance reports with the Board on or before March 25, 2019, the matter would be closed.

15. During a telephone conversation on March 20, 2019, Davis and Swatson again discussed the case. Davis reiterated to Swatson via email on that date that, if Swatson filed the signed and notarized campaign finance reports with the Board on or before March 25, 2019, the matter would be closed. QKS Exhibit 7.

16. During a telephone conversation on March 26, 2019, Davis and Swatson again discussed the case. By agreement of the parties, the deadline was extended to March 27, 2019. Joint Finding ¶8, QKS Exhibit 8 and Transcript at page 23.

17. On March 27, 2019, in another good faith effort to comply, Swatson filed an amended campaign finance report in the name of “Quincy 4 PGH.” Joint Finding ¶9; QKS Exhibit 8A; Transcript at page 23. This amended report for his committee included all necessary information, such as listings of personal contributions made by Swatson, *but set forth in an incorrect format*. Joint Finding ¶9.

18. On April 5, 2019, the Probable Cause Panel of the Board elected to proceed with a hearing on the Complaint, which was scheduled for April 29, 2019 (“the Hearing”). Transcript at page 15.

19. During the Hearing, the parties stipulated to a summary of most of the relevant and essential facts. Further, the contents of Exhibits 1, 1A, 1B, 2, 3, 3A, 3B, 4, 5 and 8A were summarized and stipulated to at the Hearing, but only Exhibit 5 (the Complaint) was formally offered and admitted into the record. See Transcript at pages 10 and 33.

20. At the Hearing, Swatson admitted that he was aware of the due dates for the filing of the campaign finance reports. See Transcript at page 19.

21. At the Hearing, Swatson brought additional amended campaign finance reports in the correct format, one for him personally and one for his committee (“Quincy 4 PGH”), in addition to reports due to be filed by the April 1, 2019 deadline. Swatson indicated that “he did not submit the Amended [Campaign Finance] Reports earlier because he only recently received notice of the Hearing. Joint Finding ¶11 and Transcript at page 16.

22. Swatson's error described in Paragraph 17 above was rectified by the reports submitted by Swatson at the Hearing, which the Board finds: (a) shows a good faith effort to comply; and, (b) reveals no intent to conceal information. *See* Joint Finding ¶9.

23. Swatson contends that "his good faith effort to submit reports in a timely fashion" demonstrate that he had no intention to conceal, deceive, or mislead the Board. Joint Finding ¶12.

24. While finding that Swatson did make good faith efforts to file timely reports and had no intention to conceal, deceive or mislead the Board, the Hearing Panel nonetheless finds, by clear and convincing evidence, that Swatson violated the Code.

## **II. CONCLUSIONS OF LAW**

1. The Hearing Panel has the authority to find a violation of the Code, or in the alternative, to find that the Code was not violated. *See* Code §197.12(c)(5), and Joint Finding Conclusion ¶1.

2. When determining the appropriate penalty, the following should be considered: the severity of the subject's offense; the position and responsibilities of the subject; the presence or absence of any intention on the part of the subject to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and, whether the incident was isolated or part of a pattern. *See* Code §197.16(a), and Joint Finding Conclusion ¶2.

3. The Hearing Panel has broad discretion in determining an appropriate penalty. *See* the Code §197.16, and Joint Finding Conclusion ¶3.

III. FINAL ORDER

Following consideration of the Complaint, the stipulations, and the stipulated summaries of the documentary evidence at the Hearing held on April 29, 2019, as well as the *Joint Proposed Findings of Fact and Conclusions of Law*, the Hearing Panel deliberated, found and concluded, by clear and convincing evidence, that the Respondent, Quincy Kofi Swatson, violated Chapter 198 of the Ethics Code.

However, in consideration of the totality of circumstances and in the exercise of discretion, **no penalty** shall be imposed.

Respectfully submitted,

CITY OF PITTSBURGH  
ETHICS HEARING BOARD  
HEARING PANEL

9/27/19  
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Dated

  
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By: Lynn Davenport  
Chair, Hearing Panel