

**CITY OF PITTSBURGH  
ETHICS HEARING BOARD**

IN RE:

JUDITH GINYARD,

Respondent.

No.: 19-C-014

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:

Julie Koren, Esquire  
Pittsburgh City Law Department  
414 Grant Street, Suite 313  
Pittsburgh, PA 15219

RESPONDENT:

FAILED TO APPEAR  
Judith Ginyard  
227 N. Homewood Avenue  
Pittsburgh, PA 15208

HEARING OFFICER:

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

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AND NOW, the City of Pittsburgh Ethics Hearing Board (“the Board”), having considered the complaint, and the Public Hearing Subcommittee (“the Hearing Panel”)’s finding of a violation following its consideration of the stipulations, exhibits and oral argument presented at a Public Hearing held on November 20, 2019 (“the Hearing”), conducted pursuant to Pittsburgh City Code Ordinance, Title I, Article XI, Chapter 197 *et seq.* (“the Ethics Code,” “Code” or “Ordinance”), accepts the Hearing Panel’s following Findings of Fact and Conclusions of Law, and issues this 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. Leanne Davis (“Davis”) is the Executive Manager of the Board. *See* Judith Ginyard Exhibit 10 (hereinafter, “JG Exhibit \_\_”).

2. Judith Ginyard (“Ginyard” or “Respondent”), is an adult individual residing in Pittsburgh, PA 15208.

3. Per campaign website information or public records filed with the County, the Respondent provided her address of 227 N. Homewood Avenue. *See* the Transcript of Judith Ginyard Hearing of November 20, 2019 (“Transcript”), Page 6.

4. On or about February 21, 2019, the Respondent was a candidate for City-elected office to serve as a member of Council District 9. JG Exhibit 6.

5. By letter dated February 21, 2019, Davis, on behalf of the Board, gave notice to the Respondent of the Ordinance, and her obligations thereunder, prior to the occurrence of any violation for any failure to act. JG Exhibit 7. With that letter, Davis also provided the Respondent with a full copy of Chapter 198 of the Pittsburgh City Code regarding Campaign Finance Regulations. *Id.* Davis reminded the Respondent of, among other things, the obligation for Ginyard and her candidate committee to file Campaign Finance Reports with the Board, pursuant to Pittsburgh Ordinance 38-2015, in addition to continuing to file reports with the County. The letter from Davis 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. *Id.*

6. Davis provided reminder correspondence to the Respondent, and offered to assist as needed. JG Transcript Page 8; JG Exhibit 8.

7. The Ethics Office serves as the repository for the filing of Campaign Finance Reports. Transcript Page 5.

8. The Respondent did not file any Campaign Finance Statement, Report or Schedule with the Board by May 1, 2019. Transcript Pages 9 and 12.

9. On or about May 9, 2019, Davis, on behalf of the Board, sent a Notice of Penalty letter to the Respondent. This letter provides that the Respondent is being assessed a late filing fee, pursuant to Section 198.06(4), and such fee would continue to accrue until the required report was filed. JG Exhibit 9.

10. On July 26, 2019, the Board filed a self-initiated complaint against the Respondent alleging the failure to file the required Campaign Finance Reports with the Ethics Hearing Board, pursuant to Section 198.05 of the Pittsburgh Code (the "Complaint"). JG Exhibit 10; Transcript Page 10.

11. On August 9, 2019, Davis sent a letter, together with a copy of the Complaint, to the Respondent. The letter states, among other things, that if the Respondent filed the required campaign finance reports with the Board on or before Monday, August 26, 2019, "this matter will be closed." JG Exhibit 11.

12. The Complaint was properly processed in accordance with Section 197.12 of the Pittsburgh Code and the Board's Procedure, Rules and Regulations. The Complaint was reviewed by the Probable Cause Panel, which ultimately determined this case should proceed to a Public Hearing. Transcript Pages 10-11.

13. By letter dated October 3, 2019, Davis advised the Respondent that a Public Hearing had been scheduled for November 20, 2019. This letter reiterated the penalty involved and invited the Respondent to resolve the matter. JG Exhibit 12.

14. The Respondent failed to appear at the scheduled Hearing conducted on November 20, 2019. The Respondent did not enter any evidence or testimony in her defense. Transcript Page 3.

15. During the Hearing conducted on November 20, 2019, pursuant to Section 197.16(a) of the Pittsburgh Code, Davis provided information to assist the Hearing Panel's deliberations as to an appropriate penalty, such as: 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. Davis testified that an email was sent on September 17, 2019, advising Ginyard that the Board would extend the deadline for her to file her May campaign finance reports to September 27, 2019, and Ginyard felt she could comply by this date. JG Exhibit 13; Transcript Pages 14-15. Further, Davis testified that a reminder email regarding the September 27, 2019, deadline was sent to Ginyard on September 26, 2019. JG Exhibit 14; Transcript Page 15. Davis also testified that during a phone conversation, Ginyard had stated that the campaign finance reports were not a priority for her due to a number of personal and work issues. JG Exhibit 15; Transcript Pages 15-16.

16. On December 10 and 11, 2019, the Respondent filed Campaign Finance Reports required by the Pittsburgh City Code. With these reports, the Respondent included a spreadsheet. From a review of the records and accompanying procedural instructions, it is clear that these submitted filings are procedurally deficient and need to be refiled.

17. Accordingly, the Hearing Panel finds unanimously, by clear and convincing evidence, that the Respondent knowingly and willfully violated the Pittsburgh City Code as charged.

18. In determining the penalty to be imposed, the Board has taken into consideration certain factors, including but not limited to:

- a. The Respondent's knowledge of the existence of the Ordinance and the obligations set forth thereunder;
- b. The notices provided to the Respondent by the Executive Manager in 2019;
- c. The Respondent's continuing refusal to file any Campaign Finance Report, namely, between May 1, 2019, and November 20, 2019, for a total of 203 days; Transcript Page 18.
- d. The deliberate nature of this violation;
- e. The financial hardship the Respondent has expressed to the Ethics Office in conveying her personal and work issues; and
- f. The attempts of the Respondent to comply with the City's campaign finance regulations, notably through her December 10 and 11, 2019 campaign finance report submissions.

## 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. In 2019, Respondent was a candidate for City elected office, as defined by Section 198.01(a) of the Ordinance.
3. Respondent was obligated under Section 198.05(1) of the Ordinance to provide Campaign Finance Reports in the form mandated by the Allegheny County Board of Elections pre-primary reporting forms and the Board's procedures on the first business day of each of the three months prior to the Primary Election Day during which she was a candidate for City elected office. Thus, her deadline for the filing of Campaign Finance Reports was May 1, 2019.

5. Following consideration of the evidence and after careful deliberation, the Hearing Panel concludes unanimously that the Respondent knowingly and willfully violated the Pittsburgh City Code as charged, in violation of Section 198.05(1) of the Ordinance.

6. Under Section 198.06(4) of the Ordinance, the Board may levy a fine of up to \$50.00 per day for the late filing of reports required under Section 198.05(1). The Board may levy a fine of up to \$10,150.00 for the 203 days that the Respondent refused, or otherwise failed, to file the required Campaign Finance Reports.

### **III. FINAL ORDER**

AND, NOW, to wit, this 13th day of April 2020, upon consideration of: the Complaint; the stipulations and documentary evidence admitted during the Hearing held on November 20, 2019; the oral arguments of counsel; and the Hearing Panel's finding that the Respondent, Judith Ginyard, violated Chapter 198 of the Ethics Code; the Ethics Hearing Board, in accordance with Section 197.09(g) exercises its discretion and imposes the following action:

**For failing to properly file campaign finance reports due May 1, 2019, the Respondent, Judith Ginyard, shall pay a fine of \$100 to the Ethics Office within thirty (30) calendar days of the date of this Order.**

Due to the Covid-19 pandemic, the Board is extending the above deadlines by an additional 240 days. Therefore, instead of the first deadline being 30 days from the date of this Order, it is now due 270 days from the date this Order is signed.

The fine imposed hereunder shall be paid by check or money order and made payable to "Treasurer, City of Pittsburgh" and received by the offices of the City of Pittsburgh Ethics Hearing Board, located in the City-County building at 414 Grant Street, Pittsburgh, PA 15219.

Respectfully submitted,

CITY OF PITTSBURGH  
ETHICS HEARING BOARD

April 13, 2020  
Dated

/s/Alex Matthews  
By: Alex Matthews, Chair