CITY OF PITTSBURGH
ETHICS HEARING BOARD

IN RE:

KIERRAN YOUNG,

Respondent.

No.: 19-C-0022

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
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RESPONDENT:

Kierran Young
5047 Somerville Street
Pittsburgh, PA 15201

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* Kierran Young Exhibit 7 (hereinafter, "KY Exhibit __").

2. Kierran Young ("Young" or "Respondent"), is an adult individual residing in Pittsburgh, PA 15201.

3. Per campaign website information or public records filed with the County, the Respondent provided his address of 5047 Somerville Street. *See* the Transcript of Kierran Young Hearing of November 20, 2019 ("Transcript"), at Page 29 and KY Exhibit 9.

4. On or about February 20, 2019, Young, was a candidate for City-elected office to serve as a member of Council District 9. KY Exhibits 8 and 9.

5. By letter dated February 20, 2019, Davis, on behalf of the Board, gave notice to the Respondent of the Ordinance, and his obligations thereunder, prior to the occurrence of any violation for any failure to act. KY Exhibit 9. 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 Young and his 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. KY Exhibits 10 and 11; Transcript Pages 30-35.

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 April 1, 2019. KY Exhibit 12; Transcript Page 35.

9. On or about April 3, 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. KY Exhibit 12.

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"). KY Exhibit 7; Transcript Pages 46-47.

11. On August 6, 2019, Davis sent another Notice of Penalty letter to the Respondent to the Somerville address after a previous letter, sent to the Campaign address, was returned. KY Exhibit 14.

12. On August 9, 2019, Davis sent a letter, together with a copy of the Complaint, to the Respondent. KY Exhibit 16. 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." KY Exhibit 16.

13. 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 46-47.

14. 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. KY Exhibit 20.

15. During the Hearing conducted on November 20, 2019, pursuant to Section 197.16(a) of the Pittsburgh Code, the parties 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 about a phone conversation she had with Young's mother, and how she emailed information and links to the campaign finance forms to Young's mother in an effort to achieve voluntary compliance. KY Exhibit 15; Transcript Pages 43-44. Davis also testified about a phone conversation in which Young stated, "I'm not doin' it," referring to filing his campaign finance forms. KY Exhibit 18; Transcript Pages 51-53. During cross-examination, Young questioned the City's authority to require that campaign finance reports be filed with the Ethics Hearing Board. Transcript Page 67.

16. Further, the Complainant entered into evidence a news article containing a quote by the Respondent. On April 22, 2019, the Pittsburgh Tribune-Review published an article (KY Exhibit 22[1]) about candidates for Pittsburgh City Council who missed the deadline for filing their campaign finance reports. The Respondent was reported in the article to have stated:

> "As long as Darlene Harris doesn't file, I'm not going to file," said Kierran Young, 26, of Stanton Heights, who is running for a District 9 seat held by Councilman Ricky Burgess. KY Exhibit 22.

[1] Exhibit 20 was erroneously entered twice; the correct exhibit number is 22.

17. The Respondent's public defiance of the Ordinance and refusal to file serves to influence others to not comply. It also has a significant and negative impact upon the community and their trust and confidence in city government. KY Exhibit 22.

18. As of the date of this Order, the Respondent has not filed any of the Campaign Finance Reports required by the Pittsburgh City Code. Accordingly, the Hearing Panel finds unanimously, by clear and convincing evidence, that the Respondent knowingly and willfully violated the Pittsburgh City Code as charged.

19. 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 April 1, 2019, and November 20, 2019, for a total of 233 days. Transcript Pages 63 and 64; and

d. The deliberate nature of this violation.

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 he was a candidate for City elected office. Thus, the deadline for the filing of Campaign Finance Reports was April 1, 2019.

4. Notwithstanding Respondent's legal argument regarding the law requiring him to file Campaign Finance Reports, Young nonetheless was required to file the mandated reports.

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 $11,650.00 for the 233 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, Randall Taylor, 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 <u>April 1, 2019</u>, the Respondent, Kierran, shall pay a fine of $500 to the Ethics Office within thirty (30) calendar days of the date of this Order. In the event Respondent fails to make a timely payment to the Ethics Office as set forth herein, then, in addition to the fine, the penalty of $665 (for a total fine of $1,165) shall be imposed and due immediately.

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 at 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