CITY OF PITTSBURGH
ETHICS HEARING BOARD

IN RE:

RANDALL TAYLOR,

Respondent.

No.: 19-C-0031

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
Randall Taylor
742 N. Beatty Street
Pittsburgh, PA 15206

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* Randall Taylor Exhibit 33 (hereinafter, "RT Exhibit __").

2. Randall Taylor ("Taylor" or "Respondent"), is an adult individual residing in Pittsburgh, PA 15206.

3. Per campaign website information or public records filed with the County, the Respondent provided his address of 742 N. Beatty Street. *See* the Transcript of Randall Taylor Hearing of November 20, 2019 ("Transcript"), at Page 9 and RT Exhibit 7.

4. On or about August 8, 2019, Taylor was a candidate for City-elected office to serve as a member of Council District 9. RT Exhibit 19.

5. By letter dated August 8, 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. RT Exhibit 20. 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 Taylor 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: September 2, 2019; October 1, 2019; and May 1, 2019. *Id.*

6. Davis provided reminder correspondence to the Respondent, and offered to assist as needed, as well as noting that September 2, 2019 was a holiday and therefore the September filing date would be Tuesday, September 3, 2019. RT Exhibits 21 and 22; Transcript Pages 24-25.

7. The Ethics Office serves as the repository for the filing of Campaign Finance Reports. Transcript Page 6.

8. The Respondent did not file any Campaign Finance Statement, Report or Schedule with the Board by October 1, 2019. Transcript Page 36.

9. On or about October 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. RT Exhibit 34.

10. On October 2, 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"). Exhibit 33.

11. On October 3, 2019, Davis sent a letter, together with a copy of the Complaint, to the Respondent. RT Exhibit 33. The letter states, among other things, that if the Respondent filed the required campaign finance reports with the Board on or before Thursday, October 17, 2019, "this matter will be closed." *Id.*

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 Page 29.

13. By letter dated October 25, 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. RT Exhibit 35.

14. The Respondent was personally served copies of the Complaint, Notice of Hearing and cover letters requesting resolution. RT Exhibit 31; Transcript Page 35.

15. The Respondent failed to appear at the scheduled Hearing conducted on November 20, 2019. The Respondent did not enter any evidence or testimony in his defense. Transcript Page 4.

16. 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 Taylor's failure to file campaign finance reports has been "a repeat occurrence." Transcript Pages 40-41. Further, the deliberate or intentional nature of Taylor's actions is further evinced as Taylor refused to accept the Board's correspondence at his home address, the same address where he was personally served. *Id.* Finally, Davis testified that compliance with the campaign finance regulations "didn't seem to be of great importance to him." *Id.* at 40. Davis testified that during a conversation with Taylor, in regard to his failure to fully file the required March campaign finance reports, though Taylor ultimately complied, "he seemed a bit annoyed." *Id.* at 41.

17. 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 Section 198.05 of 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 October 1, 2019 and November 20, 2019, for a total of 50 days; (Transcript Page 40); 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 General Election Day during which he was a candidate for City elected office. Thus, his deadline for the filing of Campaign Finance Reports was October 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 $2,500.00 for the 50 days that the Respondent refused, or otherwise failed, to file the required Campaign Finance Reports.

III. FINAL ORDER

AND, NOW, to wit, this 10th 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>October 1, 2019</u>, the Respondent, Randall Taylor, shall pay a fine of $2,500 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 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