

20¹²
Annual
Report



Pennsylvania
State Ethics Commission

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Organization and Staffing

During 2012 the Commission underwent changes to the Commission composition. Longtime Commission Members Chairman Louis W. Fryman's and Commissioner Donald M. McCurdy's terms expired and they were replaced by their appointing authorities. Mr. Mark Corrigan was appointed by President Pro Tempore of the Senate Joseph Scarnati on July 2, 2012 to replace Chairman Fryman. Mr. Roger Nick was appointed to replace Commissioner McCurdy on January 2, 2013 by Speaker of the House, Samuel H. Smith.

Vice Chairman John Bolger replaced Chairman Fryman as Chairman of the Commission, by vote of the Commission on September 24, 2012. Commissioner Nicholas Colafella was elected by the Commission as Vice-Chair on January 28, 2013.

The year 2012 also saw a change in the staffing of the Commission as Mr. John Contino, the Commission's Executive Director since January 1987, announced his retirement. Mr. Contino had served as the Commission's Chief Counsel prior to his appointment as the Commission's Executive Director. On January 20, 2013, Deputy Executive Director/Director of Investigations Robert P. Caruso was named interim Executive Director. Mr. Caruso was subsequently appointed by the Commission as the Executive Director effective May 6, 2013. Brian D. Jacisin, Assistant Council, was promoted to the position of Deputy Executive Director/Director of Investigations on that same date.

COMMISSIONERS

Per the Ethics Act, the Commission is to be comprised of seven (7) Commissioners; one each appointed by the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House, and three appointed by the Governor, only two of whom may be of the same political party. All Commissioners are appointed without confirmation. Currently there are six (6) Commissioners, with one position being vacant.

2012 COMMISSIONERS:

LOUIS W. FRYMAN – CHAIR

(Replaced by Mark R. Corrigan July 2, 2012)

JOHN J. BOLGER – VICE CHAIR

DONALD M. MCCURDY

(Replaced by Roger Nick January 2, 2013)

RAQUEL KENNEDY BERGEN

NICHOLAS COLAFELLA

MARK VOLK

(Replaced by The Honorable Kathryn Streeter Lewis 2013)

CURRENT COMMISSIONERS:

JOHN J. BOLGER – CHAIR

NICHOLAS COLAFELLA – VICE CHAIR

RAQUEL KENNEDY BERGEN

MARK R. CORRIGAN

ROGER NICK

THE HONORABLE KATHRYN STREETER LEWIS

COMMISSIONER BIOGRAPHIES

LOUIS W. FRYMAN

(Replaced by Mark R. Corrigan July 2, 2012)

Louis W. Fryman was appointed to the State Ethics Commission on March 9, 1998, by Robert C. Jubelirer, President Pro Tempore of the Senate. He was reappointed March 14, 2001, and was elected Chair of the Commission May 2, 2002.

Mr. Fryman is a partner of the law firm Conrad O'Brien, PC and has served the community in many leadership capacities in professional, social, and educational positions. Mr. Fryman is a Fellow and was a Regent of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers. He is the past president of the Philadelphia Bar Foundation and The Lawyers' Club of Philadelphia and recipient of the Bar Association's prestigious Obermayer Award for his contribution to education. Mr. Fryman was a Commissioner for Lower Merion Township, past president of Big Brothers/Big Sisters Association of Philadelphia, and now serves on the Board of Big Brothers/Big Sisters of America Foundation, and was the recipient of its Berwind Lifetime Achievement Award. Mr. Fryman has also been recognized by the State of Israel Bonds with their Heritage Award and has received the Learned Hand Award, presented by the American Jewish Committee, as well as the Villanova Alumni Award for Public Service and the Service Award from the CORA Catholic Service Organization. Mr. Fryman was an adjunct faculty member of Temple University's School of Law Masters Program in Trial Advocacy and serves on the Executive Board of the Academy of Advocacy. He has also lectured at Drexel Law School and

Villanova Law School. Mr. Fryman was president of the Board of the Walnut Street Theatre in Philadelphia and past chairman of the Episcopal Academy Board of Trustees. He was a member of the Panel of the Senate of the Commonwealth of Pennsylvania for Judicial Selection 1988. Appointed by United States Senators Arlen Specter and Rick Santorum to the Federal Judiciary Nominating Commission of Pennsylvania in 1996, 1997, and 1998. Appointed by then-Governor Ridge to the Judicial Advisory Committee in 1995, 2001, and 2002 and appointed by then-Mayor Rendell of Philadelphia to serve on the Philadelphia Refinancing Task Force, as counsel to the Charter Reform Commission, and as a member of the Election Reform Task Force.

Mr. Fryman also serves on the Board of Directors of numerous community services, healthcare, and arts organizations including Lankenau Hospital Foundation, Main Line Health Board of Governors, and as Past President of the Louis D. Brandeis Law Society Foundation.

JOHN J. BOLGER, CHAIR

John J. Bolger was appointed to the State Ethics Commission on October 2, 1998, by the Honorable Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, and reappointed by the Honorable Mark Schweiker, Governor of the Commonwealth of Pennsylvania, on March 25, 2002. Mr. Bolger was elected Vice Chair on May 2, 2002. Mr. Bolger was elected Chair of the Commission on September 24, 2012. Mr. Bolger, who is currently retired, served for 28 years with the Pennsylvania Bankers Association in various positions including director of Public Affairs, vice president for Governmental Affairs, and vice president, secretary, and chief administrative officer. Mr. Bolger has also been involved in numerous civic activities including the Holy Spirit Hospital Fund Raising Campaign, the Hospice of Central Pennsylvania, the American Heart Association Jail Bond Program, the Allied Arts Fund Raising Campaign, the United Way Campaign where he served as coordinator, and as a board member of the Harrisburg Rotary Club.

Professionally, Mr. Bolger served as the past president of the Pennsylvania Society of Association Executives. He was named as the Notre Dame Club "Man of the Year" and also served as the past president of the Notre Dame Club of the Harrisburg Area. Mr. Bolger is a graduate of the University of Notre Dame where he received a Bachelor of Science degree in Business Administration. In 2001, Mr. Bolger received the Award of Excellence from the Pennsylvania Alliance for Association Advancement (PA 3) for his outstanding commitment to profession, service, and community.

NICHOLAS A. COLAFELLA, VICE CHAIR

Nicholas A. Colafella, Ph.D. was appointed as a member of the State Ethics Commission on December 27, 2004. Dr. Colafella was elected Vice-Chair of the Commission on January 28, 2013.

Dr. Colafella was a member of the Pennsylvania House of Representatives from 1981 to 2002, serving the 15th Legislative District (Beaver County). As a member of the House of Representatives, Dr. Colafella served as the Democratic Chairman of the House Insurance Committee (1992–1998), and the House Education Committee (1999).

During this time period, Dr. Colafella also served as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, the Pennsylvania State Board of Education, the Council of Higher Education, and the State Board of Vocational Education. From 1969 until 1980, Dr. Colafella served as the Dean of Continuing Education and Community Service for the Community College of Beaver County as well as its Director of Evening Education. He also served as a Business instructor at the same institution, and previously served as a high school Business teacher at Center High School and Northwestern High School.

In 1992, Dr. Colafella was recognized as the Outstanding Legislator of the Year by the College and University Public Relations Association of Pennsylvania, and also was named Man of the Year in 1982 by the Upper Beaver Valley Jaycees.

Dr. Colafella has devoted substantial efforts towards community involvement, including his service as chairman of the Beaver County Drug and Alcohol Commission, the University of Pittsburgh Medical Center Beaver Valley Hospital Advisory Committee, board member of the Pennsylvania State University Beaver Campus Advisory Committee, and the Beaver County Mental Health and Mental Retardation Agency.

From 1956 to 1958, he served in the United States Navy. He received his Ph.D. from the University of Pittsburgh, where he published his dissertation entitled *A Study of Voluntary Support for Pennsylvania Community Colleges*. He received his Masters of Arts in Education from Duquesne University and his Bachelor of Sciences in Education from Youngstown State University.

DONALD M. MCCURDY

(Replaced by Rodger Nick January 2, 2013)

Donald M. McCurdy was appointed to the Pennsylvania State Ethics Commission on February 22, 2001, by the Speaker of the House, Matthew Ryan.

Mr. McCurdy, an attorney from Springfield, Pennsylvania, is a member of the Delaware County Court, the Pennsylvania Supreme Court, and the U.S. Supreme Court. He is a graduate of Dickinson College and Dickinson School of Law, Carlisle, Pennsylvania. Mr. McCurdy served as the Special Assistant Deputy Attorney General for the Commonwealth of Pennsylvania from 1963 to 1966. Mr. McCurdy was also a Member of the State House of Representatives, 165th District, from 1967 through 1974.

Mr. McCurdy served in active duty as a helicopter pilot for the United States Navy from 1955–1959. He is a retired Commander USNR with 27 years of service.

RAQUEL KENNEDY BERGEN, COMMISSIONER

Raquel Kennedy Bergen was appointed as a member of the State Ethics Commission on March 3, 2004, by the Honorable Edward G. Rendell, Governor of the Commonwealth of Pennsylvania.

Raquel Kennedy Bergen Ph.D. is Professor and Chair of the Department of Sociology at Saint Joseph's University in Philadelphia, Pennsylvania. She graduated from Saint Joseph's University with a B.S. in Sociology in 1989 and she received her Ph.D. from the University of Pennsylvania in 1994. She has been a member of the faculty at Saint Joseph's University since 1993. Her area of expertise is the Sociology of Gender and specifically, the sociological study of violence against women. She is the author of several scholarly publications and the books including, *Wife Rape: Understanding the Response of Survivors and Service Providers*; and *Issues in Intimate Violence*. With Claire Renzetti and Jeff Edleson she edited, *Sourcebook on Violence Against Women* and the anthology, *Violence Against Women: Classic Statements*. She also co-edited the collection *Violence Against Women* with Claire Renzetti. As a result of her research on violence against women, Dr. Bergen was awarded the McShain Chair in Ethics from Saint Joseph's University for 2002-2004.

Dr. Bergen has been involved in various forms of service at Saint Joseph's University. She has served as a member of the Faculty Senate, University College, Gender Studies Committee, the Board of Rank and Tenure, the Institutional Review Board and she served as the Chair of the Sexual Harassment Panel. For the past eighteen years, she has been the faculty moderator for REPP (the Rape Education Prevention Program) at Saint Joseph's University. This group is responsible for providing educational programs on sexual assault and crisis counseling for survivors of sexual violence within the community. Dr. Bergen volunteers as a crisis counselor for

battered and sexually abused women and speaks nationally about women's experiences of sexual violence in intimate partnerships. She is currently studying the intersection of physical and sexual violence in women's experiences cross-culturally.

MARK VOLK, COMMISSIONER

(Replaced by The Honorable Kathryn Streeter Lewis June 28, 2013)

COL (Ret.) Mark Volk was appointed as a member of the State Ethics Commission on July 2, 2009.

Mark Volk is the Executive Vice President at Lackawanna College, having joined the administration in July, 2004. A retired Army Colonel, he holds both Bachelor's and Master's Degrees in History from the University of Scranton as well as a Master's of Science in National Security Strategy from the National War College. During his 26 year Army career, he served in a variety of staff and command positions in both the United States and Germany. He also trained as a Middle East/North Africa specialist. During the Los Angeles riots in 1992, he was the Joint Task Force liaison officer to Central Bureau, LAPD. COL(Ret) Volk also served as the senior intelligence staff officer for 3rd Infantry Division in Germany and as Commander, 103rd/101st Military Intelligence Battalion. He deployed the 101st MI to Bosnia in September 1996 where it was the intelligence support force for Task Force Eagle in Multi-National District – North.

Since joining Lackawanna College in July 2004, COL (Ret.) Volk has held positions as Special Assistant to the President, Vice President of Operations and Planning and was promoted to his present position in April of 2006. On January 27, 2012, Mr. Volk was appointed as the 8th President of Lackawanna College. His tenure as president commenced on July 1, 2012.

An active community volunteer, he helps coordinate volunteer support for the Children's Advocacy Center of Northeast PA and serves on the boards of The Greater Scranton Chamber of Commerce, Leadership Lackawanna and the Northeast Council of the Boy Scouts of America.

MARK R. CORRIGAN, COMMISSIONER

Mark R. Corrigan was appointed as a member of the State Ethics Commission on July 2, 2012, by Senator Joseph Scarnati, President Pro Tempore of the Senate.

Mr. Corrigan graduated from the Université de Montpellier, France, 1972; Shippensburg State College, 1973; Pennsylvania State University, 1975 and Dickinson School of Law, 1979.

Mr. Corrigan is a member of the Bar of the Supreme Court of Pennsylvania. He has taught in the Harrisburg School System, from September 1973 to June 1976. Mr. Corrigan served as Law Clerk with the Pennsylvania Department of Education from June 1977 to October 1979. He was Legal Counsel to Senator J. Doyle Corman. Mr. Corrigan was the Executive Director of the Senate Local Government Committee from November 1, 1979 to June 30, 1981. He was elected Secretary of the Senate of Pennsylvania on June 30, 1981, and served in that position until retiring on July 1, 2012.

ROGER NICK, COMMISSIONER

Roger Nick was appointed to the Pennsylvania State Ethics Commission on January 2, 2013, by the Speaker of the House, Samuel H. Smith.

Mr. Nick is a native of Smethport, Pennsylvania and a graduate of Edinboro State University, with a B.A. in Political Science. Mr. Nick was employed by the Pennsylvania General Assembly and the Pennsylvania Higher Education Assistance Agency from 1973 until his retirement in 2009. During his 36 year career with the Commonwealth, Mr. Nick held a number of positions with the Pennsylvania House of Representatives, including Executive Director of the House Transportation Committee (1973-1976); Legislative Liaison to the Pennsylvania Department of Transportation (1983-1985) and Chief of Staff to Speaker of the House Matthew J. Ryan from 1985 to 2003. Mr. Nick served as an Executive Assistant to State Senator Robert J. Kusse from 1976 to 1983. Mr. Nick also served as the Vice President of the Legislative and Board Affairs for the Pennsylvania Higher Education Assistance Agency from 2003 to 2005. Mr. Nick returned to the Pennsylvania House of Representatives in 2005, serving as the Chief Clerk from 2005 until his retirement in 2009.

Mr. Nick was active as a Member of the Legislative Audit Advisory Commission, a position he held from 2011 to 2013.

HONORABLE KATHRYN STREETER LEWIS, COMMISSIONER

The Honorable Kathryn Streeter Lewis was appointed to the Pennsylvania State Ethics Commission on June 28, 2013, by the Honorable Jay Costa, Democratic Leader of the Senate of Pennsylvania.

Judge Lewis served for more than 20 years as a judge of the Court of Common Pleas of the Commonwealth of Pennsylvania, First Judicial District (Philadelphia). She was appointed to the bench by Governor Robert P. Casey in 1988; elected to a 10 year term in 1989; and retained for another term in 1999.

Judge Lewis presided in all three Divisions of the First Judicial District, Family, Trial, and Orphans Court. In 1992, Judge Lewis was appointed by the Pennsylvania Supreme Court to be Administrative Judge of the Orphans Court Division where, in addition to administrative duties, she presided over cases involving wills, trusts, estates, and guardianships. While assigned to the Family Court Division, she primarily presided over cases involving juvenile delinquency and dependency. During her tenure in the Trial Division, she presided over jury and non-jury trials of criminal cases including major felonies and homicides, non-capital and capital. Judge Lewis also supervised the Philadelphia County Investigating Grand Jury 2004-2006.

Prior to her appointment to the bench, Judge Lewis served as the First Deputy City Solicitor for the City of Philadelphia. While serving in the City Solicitor's Office her areas of practice included major commercial and housing developments, public utilities, and publicly subsidized economic development projects.

After leaving the bench, Judge Lewis served as the Executive Director of Homemaker Service of the Metropolitan Area, Inc. a non-profit corporation providing home health, skilled, and personal care services to low income, disabled, elderly, and chronically ill persons in their homes.

Judge Lewis is also an Adjunct Professor of Law at Villanova University School of Law where she teaches Trial Advocacy. She also is a member of the law school's Board of Consultants.

Throughout her career, Judge Lewis has remained active in the community by serving on the boards of numerous organizations including: Visting Nurses Association of Greater Philadelphia, The Haverford School, Philadelphia Bar Association Board of Governors, Pennsylvania Bar Association House of Delegates, Barristers Association of Philadelphia, Philadelphia Juvenile Justice Alliance, Villanova Law School Inn of Court, Self, Inc., Philadelphia Chapter National Bar Association Women Lawyers Division Foundation, and others.

Judge Lewis received her Juris Doctorate (J.D.) from Villanova University School of Law and her Bachelor of Arts degree from the University of Pennsylvania.

STAFF

EXECUTIVE DIVISION

Robert P. Caruso, Executive Director
Brian D. Jacisin, Deputy Executive Director/
Director of Investigations
Heather L. Mulhollan, Executive Secretary

OFFICE OF CHIEF COUNSEL

Robin M. Hittie, Chief Counsel
Martin W. Harter, Senior Assistant Counsel
Esther Estelle, Secretarial Support

ADMINISTRATIVE DIVISION

Alecia Peddigree, Administrative Officer
Helen Johns, Clerk Typist
Stanley G. Weaver, Clerk Typist
Sean M. Firestine, Information Technology

INVESTIGATIVE DIVISION (HEADQUARTERS)

Andrew Petsu, Assistant Counsel
Daniel M. Bender, Senior Special Investigator
Gregory Curran, Special Investigator
Claire J. Hershberger, Secretarial Support

INVESTIGATIVE DIVISION (WESTERN REGIONAL OFFICE)

Jason P. Bricker, Supervising Investigator
Daniel P. Cali, Special Investigator
Joseph Grado, Special Investigator
Cynthia L. Hershberger, Secretarial Support

COMMISSION MEMBER AND EMPLOYEE RESTRICTIONS

The Ethics Act places certain obligations upon the Commission and staff members. No individual while a member or employee of the Commission, shall:

1. hold or campaign for any other public office.
2. hold office in any political party or political committee.
3. actively participate in or contribute to any political campaign.
4. directly or indirectly attempt to influence any decision by a governmental body, other than a court of law or as a representative of the Commission on a matter within the jurisdiction of the Commission.
5. be employed by the Commonwealth or a political subdivision in any other capacity whether or not for compensation.
6. no member of the Commission shall have served as an officer in a political party for one year prior to appointment.

The State Ethics Commission has also implemented an internal Code of Conduct to govern the

members of the Commission. That code is set forth in the Commission's regulations, at 51Pa. Code §111.1 et seq.

ADDRESSES AND TELEPHONE NUMBERS

The Commission is located in Room **309 Finance Building, Commonwealth Avenue and North Street, Harrisburg**. The office is open from **8 a.m. to 5 p.m., Monday through Friday**. Mail should be addressed to the **Pennsylvania State Ethics Commission, Room 309 Finance Building, P.O. Box 11470, Harrisburg, Pennsylvania 17108-1470**. Members of the staff may be reached at **(717) 783-1610**. The fax number is **(717) 787-0806**.

The Commission also maintains a **Pittsburgh Regional Office**, located at **1 Forestwood Drive, Suite 102, Pittsburgh, Pennsylvania 15237**. Members of the staff may be reached at **(412) 635-2816**. The fax number is **(412) 635-2818**.

The Commission's Home Page on the Worldwide Web is located at **www.ethics.state.pa.us**. The Commission's e-mail address is **ethics@pa.gov**.

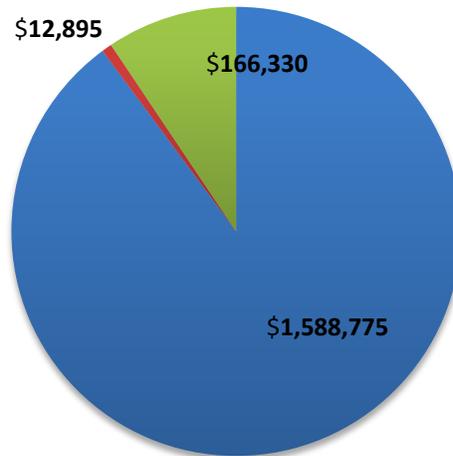
A toll-free line is available for candidates, public officials, public employees, and citizens who have questions about the Act. The number is **800-932-0936**.

For information on filing and inspections of Statements of Financial Interests, ask for Stanley Weaver or Helen Johns.

Budget

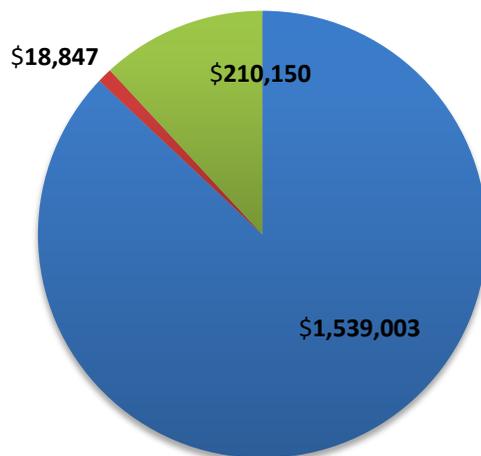
TWO-YEAR BUDGET ANALYSIS APPROPRIATION 2011-2012

Employee salaries/benefits.....	\$1,588,775
Miscellaneous personnel services.....	\$12,895
Agency Operations.....	\$166,330
Total.....	\$1,786,000



APPROPRIATION 2012-2013

Employee salaries/benefits.....	\$1,539,003
Miscellaneous personnel services.....	\$18,847
Agency Operations.....	\$210,150
Total.....	\$1,786,000



Statement of Purpose and Goals

The Preamble to the Public Official and Employee Ethics Act sets forth the legislative intent that generated the enactment of the Act. That Section of the Act provides as follows:

SECTION 1. PURPOSE

(a) The legislature hereby declares that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. In order to strengthen the faith and confidence of the people of the State in their government, the legislature further declares that the people have a right to be assured that the financial interests of holders of or nominees or candidates for public office do not conflict with the public trust. Because public confidence in government can best be sustained by assuring the people of the impartiality and honesty of public officials, this act shall be liberally construed to promote complete financial disclosure as specified in this act. Furthermore, it is recognized that clear guidelines are needed in order to guide public officials and employees in their actions. Thus, the General Assembly by this act intends to define as clearly as possible those areas which represent conflict with the public trust. 65 Pa.C.S. §1101.

(b) It is recognized that many public officials, including most local officials and members of the General Assembly, are citizen-officials who bring to their public office the knowledge and concerns of ordinary citizens and taxpayers. They should not be discouraged from maintaining their contacts with their community through their occupations and professions. Thus, in order to foster maximum compliance with its terms, this act shall be administered in a manner that emphasizes guidance to public officials and public employees regarding the ethical standards established by this act. 65 Pa.C.S. §1101.

(c) It is the intent of the General Assembly that this act be administered by an independent commission composed of members who are cognizant of the responsibilities and burdens of public officials and employees and who have demonstrated an interest in promoting public confidence in government.

In an effort to effectuate this mandate and fulfill the statutory duties and responsibilities delegated to the Commission the following precepts are intended to be the operative methods of accomplishing these goals:

1. To provide guidance to public officials and public employees in plain and simple language and in an expeditious manner regarding the provisions of the Ethics Act and their duties and responsibilities thereunder.

2. To offer information, guidance, and direction on issues within the Commission's jurisdictional mandate to any public official, public employee or other person seeking such, and in those instances not within the Commission's jurisdiction, to offer alternative sources of such information, guidance and direction.

3. To conduct the affairs of the Commission in an open and public manner within the parameters of the Ethics Act so as to afford all citizens of the Commonwealth of Pennsylvania with a public accounting of the Commission's activities.

4. To afford all individuals subject to the Commission's jurisdiction or appearing before the Commission due process of law in the review and adjudication of matters coming before the Commission.

5. To independently and in an apolitical manner evaluate, interpret, and decide issues arising under the Act.

6. To provide continuing educational services to public officials, public employees, and citizens of Pennsylvania regarding the provisions of the Act and the decisions of the State Ethics Commission.

7. To abide by the highest standard of conduct in carrying out the mandates of the Public Official and Employee Ethics Act.

Powers and Duties

The powers and duties of the State Ethics Commission are statutorily mandated in Section 1107 of the State Ethics Act. These requirements of the Act have been delineated in furtherance of the stated purpose of the Act; “to strengthen the faith and the confidence of the people of the State in their government.” While the Commission’s duties as outlined below are a condensed version of those in the Act, they serve to depict the parameters of the Commission’s jurisdiction.

- Render prospective advisory opinions to present or former public officials and public employees, their appointing authority or employer regarding such individual’s duties and responsibilities under the Ethics Act.

- Receive and review Statements of Financial Interests of persons required to file; inspect such statements to ascertain whether any reporting person has failed to file such statement or has filed a deficient statement.

- Prescribe forms for filing.
- Accept and file information voluntarily supplied that exceeds the requirements of the Act.

Restricted Activities

The Public Official and Employees Ethics Act provides certain restricted activities in which public officials and employees may not engage. These restrictions provide the basis upon which Commission rulings are issued.

(a) No public official or public employee shall engage in conduct that constitutes a conflict of interest. A conflict of interest is defined as use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family, or a business with which he or a member of his immediate family is associated. “Conflict” or “conflict of interest” does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation, or other group which includes the public official or public employee, a member or his immediate family, or a business with which he or a member of his immediate family is associated.

(b) No person shall offer or give to a public official, public employee, or nominee or candidate for public office or a member of his immediate family or a business with which he is associated, anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on the offeror’s or donor’s understand-

- Preserve statements and reports filed with the Commission for a period of five years.
- Make statements available for public inspection and copying.
- Maintain a master index of statements filed with the Commission.
- Instruct other state and local agencies in the maintenance of systems which facilitate public access to such statements.
- Investigate alleged violations of the Ethics Act and issue decisions in relation to said investigations.
- Prepare and publish an annual report, prepare and publish special reports, educational materials, and technical studies to further the purposes of the Act.
- Hold hearings, take testimony, issue subpoenas, and compel the attendance of witnesses. Prescribe rules and regulations to implement the provisions of the Ethics Act. (See 51 Pa. Code §11.1 et seq.)
- Hold at least two public hearings each year to seek input from persons and organizations who represent individuals subject to the Ethics Act.

ing that the vote, official action, or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(c) No public official, public employee, or nominee or candidate for public office shall solicit or accept, anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of that public official, public employee, or nominee that the vote, official action, or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(d) No public official or public employee shall accept an honorarium.

(e) (1) No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment.

(2) This subsection shall not prohibit:

(i) Payments received pursuant to an employment agreement in existence prior to the time a person becomes a candidate or is notified by a member of a transition team, a search committee, or a person with appointive power that he is under consideration for public office or makes application for public employment.

(ii) Receipt of a salary, fees, severance payment, or proceeds resulting from the sale of a person’s

interest in a corporation, professional corporation, partnership, or other entity resulting from termination or withdrawal therefrom upon the assumption or acceptance of public office or employment.

(3) Payments made or received pursuant to paragraph (2)(i) and (ii) shall not be based on the agreement, written or otherwise, that the vote or official action of the prospective public official or employee would be influenced thereby.

(f) No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

(g) No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

(h) No person shall use for any commercial purpose information copied from Statements of Financial Interests required by this Act or from lists compiled from such statements.

(i) No former executive-level state employee may for a period of two years from the time that he terminates his state employment be employed

by, receive compensation from, assist, or act in a representative capacity for a business or corporation that he actively participated in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility, or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

(j) Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order, or ordinance, the following procedure shall be employed. Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest, and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein.

Financial Disclosure

Section 1104 of the Ethics Act (65 Pa.C.S. §1104) requires that public officials, public employees, and candidates for public office file Statements of Financial Interests. Section 1105 of the Ethics Act (65 Pa.C.S. §1105) describes the information to be reported.

In preparation for the May 1, 2013 filing for calendar year 2012, the annual mailing of the Statements of Financial Interests was initiated December 31, 2012 and completed on January 3, 2013. As mandated by the United States Postal Service (USPS), this year the entire mailing list was

run through National Change of Address (NCOA) software. The COA software corrects any addresses that are incorrect and provides a greater delivery success rate. A total of 200,216 forms were distributed to 7,417 state, county, and local government entities for distribution to public officials, public employees, and candidates required to comply with the State Ethics Act. Individuals who file with the State Ethics Commission are also required to file a Statement of Financial Interests with their respective governmental bodies. Local public officials and public employees file only with their county or

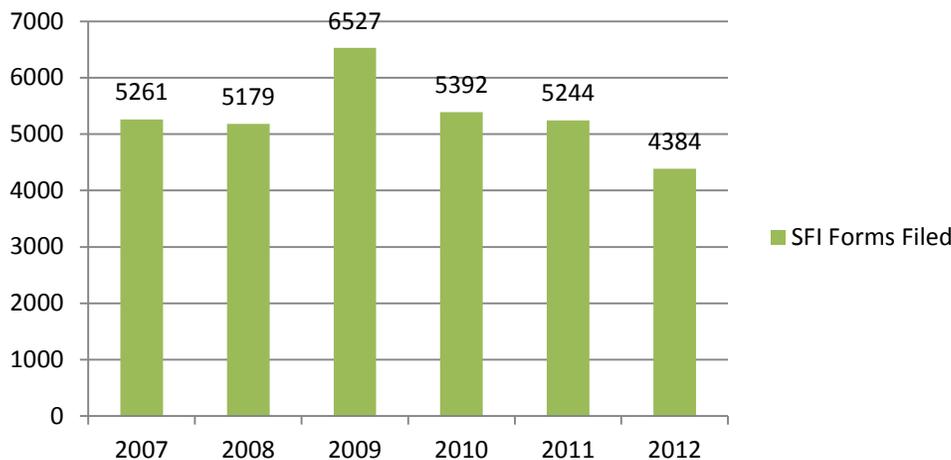
local governmental body, and state employees file Statements of Financial Interests with their respective agencies.

Included with the mailings of the Statement of Financial Interests form was an instructional booklet that delineates and explains all of the filing requirements including who needs to file, when and where to file and how to complete the form.

More than 4,384 individuals filed Statements of Financial Interests with the State Ethics Commission for calendar year 2011 (filing year 2012). Of these filings, 606 were candidates for public office;

1,509 were constables and deputy constables (this included candidates); the remaining filings were by public officials such as members of the legislature, cabinet members, deputy secretaries, members of state boards and commissions, and other individuals who filed voluntarily. Since Statements of Financial Interests filed with the State Ethics Commission are public documents, as they are received they are scanned into the Commission's document management system and are subsequently posted to the Commission's web site in the e-Library.

Statements of Financial Interests



CIVIL CITATIONS

Pursuant to Section 1107(5) of the Public Official and Employee Ethics Act (65 Pa.C.S. §1107(5)), the State Ethics Commission, upon discovery that an individual who is required to file a Statement of Financial Interests in accordance with the Act has either failed to file said Statement or has filed a Statement that is deficient, shall notify the individual of the failure or deficiency.

Information regarding deficient and delinquent Statements of Financial Interests is provided to the Commission via letters received from the public as well as Compliance Reviews performed by staff members of the Commission's Investigative and Administrative Divisions. The Compliance Reviews are randomly conducted throughout the Commonwealth.

The individuals in question receive a notice letter from the Commission which advises that the failure to file or deficiency must be corrected within 20 days.

If such individual fails to correct the failure or deficiency, the Commission, upon a majority vote of its members, may levy a civil fine of not more than \$25 per day up to a maximum of \$250 and order the filing of the Statements of Financial Interests.

Upon the failure of an individual to comply with the notice letters, a Rule to Show Cause is issued requiring the individual to file an answer indicating the reasons, if any, that said filing was not made or deficiency corrected. Individuals may request a hearing on such matters.

After the conclusion of the process, the Commission will issue an order deciding the matter. Enforcement of the order, if necessary, takes place through an original jurisdiction proceeding in Commonwealth Court.

Statements of Financial Interests (SFI) Compliance Reviews were conducted by the Investigative Division as part of ongoing investigative matters. Enforcement actions were not taken against those identified as non-filers or deficient filers. Standard SFI Compliance Reviews for Boards and Commissions, current public officials/employees, former public officials/employees, constables and deputy constables were not completed for the 2012 calendar year. Between 2009 and 2011 the Commission averaged over 2,000 notice letters being sent each year to non-filers and/or deficient filers during these review processes. Severe budget restraints made it impossible for the Commission to fund these reviews for calendar year 2012.

Compliance activities from other Investigative and Administrative Compliance Reviews, as well as from members of the public, resulted in the issuance of 37 notices of civil penalties for delinquent and/or deficient filers. Of these notices, 37 were first notice letters and 6 were second/final notice letters. In summary, there were approximately 23 delinquent filers and 14 deficient filers identified via Compliance Reviews. As of year-end 2012, 21 individuals have filed as a result of compliance efforts.

Pursuant to Section 1109(f) of the Ethics Act, 65 Pa.C.S. §1109(f), the State Ethics Commission has the authority to levy civil penalties upon persons who fail to timely file Statements of Financial Interests, or who file Statements of Financial Interests which are deficient under the Ethics Act. Civil Penalty Orders are numbered sequentially, and bear the designation "S" to distinguish them from other Commission Orders.

In 2012, 23 Civil Penalty ("S") Orders were issued by the State Ethics Commission against various state and local public officials and employees. In total, The Commission levied \$5,625 in fines as a result of these Orders.

CIVIL PENALTY ORDER-2012

Notice of Non-Compliance Flow Chart





COMMONWEALTH OF PENNSYLVANIA
STATE ETHICS COMMISSION

P.O. BOX 11470
ROOM 309 FINANCE BUILDING
HARRISBURG, PA 17108-1470
(717) 783-1610 or Toll Free 1-800-932-0936
www.ethics.state.pa.us



STATE ETHICS COMMISSION STATEMENT OF FINANCIAL INTERESTS

**THIS FORM IS CONSIDERED DEFICIENT IF ANY BLOCK IS NOT COMPLETED OR
IF SIGNATURE OR DATE IS MISSING**

SIGN THE FORM USING THE CURRENT DATE - DO NOT BACK DATE SIGNATURE

**MAKE A COPY FOR YOUR RECORDS AND ADDITIONAL FILINGS WHERE REQUIRED
(see filing chart on back of form)**

THIS FORM MUST BE COMPLETED AND FILED BY:

- A** Candidates - Persons seeking elected state, county and local public offices, including first-time candidates, incumbents seeking re-election, and write-in candidates who do not decline nomination/election within 30 days of official certification of same.
- B** Nominees - Persons nominated for public office subject to confirmation.
- C** Public Officials - Persons serving as current state/county/local public officials (elected or appointed). The term includes persons serving as alternates/designees. The term excludes members of purely advisory boards.
- D** Public Employees - Individuals employed by the Commonwealth or a political subdivision who are responsible for taking or recommending official action of a non-ministerial nature with regard to: contracting or procurement; administering or monitoring grants or subsidies; planning or zoning; inspecting, licensing, regulating or auditing any person; or any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person. The term does not include individuals whose activities are limited to teaching.
- A former public official or former public employee must file the year after termination of service with the governmental body.**
- E** Solicitors - Persons elected or appointed to the office of solicitor for political subdivision(s).

IMPORTANT: Please read all instructions carefully prior to completion of form. Also, **review the filing chart (Page 4) for proper filing location.** Any questions may be directed to the State Ethics Commission at (717) 783-1610 or Toll Free at 1-800-932-0936.

This Form is required to be filed pursuant to the provisions of the Public Official and Employee Ethics Act, 65 Pa C.S. §1101 et seq.

STATEMENT OF FINANCIAL INTERESTS INSTRUCTIONS

Please print neatly in capital letters. If you require more space than has been provided, please attach an 8 1/2" x 11" piece of paper to the form. Items 01 through 06 are for current information.

- Block 1** Please fill in your last name, first name, middle initial and suffix (if applicable) in the boxes provided. Public office candidates should use the exact name used on official nomination petition or papers.
- Block 2** List a business, governmental and/or home address and daytime telephone number.
- Block 3** Please check the block or blocks to indicate your status. See definitions on page 1. If you are correcting a prior filing, please check the block designating an amended form.
- Block 4** Please check the appropriate block (seeking, hold, held) for each position you list in the blocks below. List all of the public position(s) which you are seeking, currently hold or have held in the **prior** calendar year. Please be sure to include job titles and official titles such as "member" or "commissioner" (even if serving as alternate/designee).
- Block 5** Please list all political subdivision(s)/agency(ies) as to which you either: (1) are presently seeking a public position or public office as a candidate (incumbent or non-incumbent) or nominee; (2) presently hold a public position or public office; and/or (3) previously held a public position or public office during all or any portion of the calendar year listed in Block 7. (The term "political subdivision" includes a county, city, borough, incorporated town, township, school district, vocational school, county institution district, and any authority, entity or body organized by the aforementioned.)
- Block 6** Please list your current occupation or profession. This information may have already been stated in block 4.
- Block 7** List the prior calendar year for which you are filing this form. All information provided in blocks 08 through 15 pertain to the calendar year designated in block 07.
- Block 8** REAL ESTATE INTERESTS: This block contains the address of any property which was involved in transactions (leasing, purchasing, or condemnation proceedings of real estate interests) with the Commonwealth or any other governmental body within the Commonwealth. If you have no direct or indirect interests in such a property, then check "NONE."
- Block 9** CREDITORS: This block contains the name and address of any creditor and the interest rate of any debt over \$6,500 regardless of whether such debt is held solely by you or jointly by you and any other individual, including your spouse, where each obligor is fully responsible for the obligation. A joint obligation with other persons, for which the filer is responsible only for a proportional share that is less than the reporting threshold, is not required to be reported. Do not report a mortgage or equity loan on your home (or secondary home), or loans or credit between you and your spouse, child, parent or sibling. Car loans, credit cards, personal loans and lines of credit must be listed on the form if the balance owed was in excess of \$6,500 at any time during the calendar year. If you do not have any reportable creditor, then check "NONE."
- Block 10** DIRECT OR INDIRECT SOURCES OF INCOME: List the name and address of each source of \$1,300 or more of gross income regardless of whether such income is received solely by you or jointly by you and another individual such as a spouse. "Income" includes any money or thing of value received or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial interest in a corporation, professional corporation, partnership or other entity resulting from termination/withdrawal therefrom upon assumption of public office or employment or any other form of recompense or combination thereof. The term refers to gross income; it includes prize winnings and tax-exempt income but does not include gifts, governmentally mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee, or miscellaneous, incidental income of minor dependent children. If you do not have ANY reportable source of income, check "NONE."
- Block 11** GIFTS: For each source of gift(s) valued at \$250 or more in the aggregate, list the following information: the name and address of the source; the circumstances, including a description, of each gift; and the value of the gift(s). Do not report political contributions otherwise reportable as required by law, gift(s) from friends or family members (although the term "friend" does not include a registered lobbyist or employee of a registered lobbyist), or any commercially reasonable loan made in the ordinary course of business. If you did not receive any reportable gift, then check "NONE."
- Block 12** TRANSPORTATION, LODGING, OR HOSPITALITY EXPENSES: **NOTE: Per amendments to the Ethics Act effective 1/1/07, the threshold for disclosure in Block 12 has changed. For forms due to be filed in 2007 or thereafter, the following instructions apply.** List the name and address of each source and the amount of each payment/reimbursement by the source for transportation, lodging or hospitality that you received in connection with your public position if the aggregate amount of such payments/reimbursements by the source exceeds \$650 for the calendar year for which you are reporting. Do not report reimbursements made by a governmental body or by an organization/association of public officials/employees of political subdivisions that you serve in an official capacity. If you do not have any reportable expense payments/reimbursements, then check "NONE."
- Block 13** OFFICE, DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS ENTITY: List both the name and address of the business entity for any office that you hold (for example, President, Vice President, Secretary, Treasurer), any directorship that you hold (through service on a governing board such as a board of directors), and any employment that you have in any capacity whatsoever, as to any business entity. This block focuses solely on your status as an officer, director or employee, regardless of income.
- Block 14** FINANCIAL INTERESTS: List the name and address and interest held in any business for profit of which you own more than 5% of the equity or more than 5% of the assets of economic interest in indebtedness. If you do not have any such financial interest to report, then check "NONE."
- Block 15** TRANSFERRED BUSINESS INTERESTS: List the name and address of any business as to which you transferred a financial interest (as defined in Item 14) to a member of your immediate family (parent, spouse, child, brother or sister), as well as the interest held, relationship to the individual, and date of transfer. If you did not transfer any such business interest, then check "NONE."

Please sign the form and enter the current date. Do not back date your signature.

WHO MUST FILE, WHERE TO FILE, AND WHEN TO FILE

WHO MUST FILE	ORIGINAL COPY	ADDITIONAL FILINGS*	WHEN TO FILE
A. STATUS BLOCK A - CANDIDATES			
Statewide State Senate State House Supreme Court Superior Court Common Pleas Court Traffic Court Municipal Court Commonwealth Court	State Ethics Commission P.O. Box 11470 Room 309 Finance Building Harrisburg, PA 17108-1470	Append to nomination petition when filed with the State Bureau of Elections 210 North Office Building Harrisburg, PA 17120-0029	ON OR BEFORE THE LAST DAY FOR FILING A PETITION TO APPEAR ON THE BALLOT FOR ELECTION
Constables / Deputy Constables	State Ethics Commission	Append to nomination petition when filed with County Board of Elections	
Countywide City Borough Township Municipality (home rule charter)	File with the Clerk/ Secretary in the Municipality in which you are a candidate		
Magisterial District Judges	File with the County in which the Magisterial District is located		
School Director	File in the School District where you are a candidate		
Announced Write-in	For state office file with State Ethics Commission . For county or local office file with governing authority of political subdivision.	No additional copy required	Within 30 days of official certification of having been nominated or elected unless such person declines the nomination or office within that time frame.
Unannounced Write-in Winners of Nominations			
Unannounced Write-in Winners of Elections			
B. STATUS BLOCK B - NOMINEE			
State Level	State Ethics Commission	File with the Official or Body vested with the power of confirmation	10 days before official or body approves or rejects the nomination.
County/Local Level	Governing authority of political subdivision		
C. STATUS BLOCK C - PUBLIC OFFICIAL			
Commonwealth Public Officials such as: Members of Boards and Commissions (including alternates/designees); Heads of executive, legislative and independent agencies, boards and commissions; and persons appointed to positions designated as offices.	State Ethics Commission P.O. Box 11470 Room 309 Finance Building Harrisburg, PA 17108-1470	File with each Agency, Board, Commission, Department, or Government Body in which employed or to which appointed. (make additional copies if needed)	FILE NO LATER THAN MAY 1 OF EACH YEAR A POSITION IS HELD AND OF THE YEAR AFTER LEAVING SUCH A POSITION.
State House Member State Senate Member		File with the House Chief Clerk or Senate Secretary (whichever applies)	
Local Public Officials serving in/as: Counties; Boroughs; Townships; Home Rule Municipalities; Municipal Authorities; School Districts		File only with the governing authority of the respective local political subdivision	
(Incumbent Judges and Magisterial District Judges who are not candidates do not file)			
Constables / Deputy Constables	State Ethics Commission		
D. STATUS BLOCK D - PUBLIC EMPLOYEE			
Commonwealth PUBLIC EMPLOYEE (Executive, Leg. & Independent Agencies)	File only with your Employer	No additional copy required	
County City Borough Township Municipal (home rule) Municipal Authority School District	EMPLOYEE File only with your political subdivision		
E. STATUS BLOCK E - SOLICITOR			
	File with the governing authority of <u>each</u> political subdivision for which you are Solicitor	Additional copy is not required to be filed (unless serving in multiple capacities, then file with <u>each</u> entity as required)	

*** Filer is responsible for making all additional copies.**

Opinions and Advices

From January 1, 2012, through December 31, 2012, the State Ethics Commission issued a total of 88 advisories under the Public Official and Employee Ethics Act, consisting of 4 Opinions and 84 Advices of Counsel.

Opinions and Advices are public records. However, a requester may require that the Opinion or Advice contain such deletions and changes as shall be necessary to protect the identity of the person involved. Pursuant to the Ethics Act, the Commission is required to provide specified libraries throughout the Commonwealth with copies of Advices of Counsel, Opinions, and Orders that are a matter of public record. The Commission provides these copies to the libraries on a quarterly basis. Paper copies of Opinions and Advices are available at cost from the Commission.

All Commission Opinions and Advices are available online in the eLibrary free of charge. www.ethicsrulings.state.pa.us

Sections 1107(10)-(11) direct the Commission to provide an Opinion or Advice to any person about his or her duties under the Act. An Opinion or Advice may also be provided to the employer or appointing authority of such person. Opinions and Advices provide a complete defense against enforcement action initiated by the Commission. An Advice of Counsel is evidence of good faith conduct in any other civil or criminal proceeding if the requester truthfully disclosed all material facts and acted in reliance on the Advice. An Opinion is an absolute defense to any criminal or civil penalty provided all material facts are truthfully disclosed and the requester acts in good faith on the Opinion. The following is a summary of Opinions issued by the Commission during 2012.

ALEXANDER
Decided: January 31, 2012

Opinion 12-001
Issued: February 15, 2012

As Pennsylvania's Secretary of Public Welfare, Gary D. Alexander ("Secretary Alexander") is a "public official" and an "executive-level State employee" subject to the provisions of the Public Official and Employee Ethics Act ("Ethics Act"), 65 Pa.C.S. § 1101 et seq. Based upon the submitted facts that: (1) on July 14, 2011, in his private capacity, Secretary Alexander organized a company named "Smart Alex Consulting, LLC" ("the Company") in Rhode Island for the purpose of name reservation; (2) the Company was formed as an investment consulting firm; and (3) the Company currently has no financial transactions and is inactive, Secretary Alexander was advised that the Ethics Act would not preclude him from engaging in private business activities related to the Company, subject to the condition that in his public position,

he would comply with all applicable provisions of Section 1103 of the Ethics Act.

CONNER
Decided: September 24, 2012

Opinion 12-002
Issued: October 5, 2012

In the former capacity as a Member of the Board of Trustees of the New Media Technology Charter School ("Charter School"), Anita T. Conner would be considered a "public official" subject to the provisions of the Public Official and Employee Ethics Act ("Ethics Act"), 65 Pa.C.S. § 1101 et seq., and the Regulations of the State Ethics Commission, 51 Pa. Code § 11.1 et seq. Upon termination of such public service, Ms. Conner became a "former public official" subject to Section 1103(g) of the Ethics Act. The governmental body with which Ms. Conner is deemed to have been associated upon termination of public service, hereinafter referred to as the "former governmental body," includes the Board of Trustees and all departments, offices, and other units of the Charter School in their entirety. For the first year following termination of Ms. Conner's public service, Section 1103(g) of the Ethics Act would apply and restrict "representation" of a "person" before the former governmental body. Based upon the submitted facts that: (1) the Charter School is currently looking to hire a company to provide financial and bookkeeping services and has put out a Request for Proposal ("RFP") to the public, seeking proposals from companies for the provision of such services; (2) Ms. Conner is the majority owner of an accounting and financial services firm which bears her name, specifically, "Anita T. Conner & Associates, P.C." (the "Firm"); (3) Ms. Conner is the Managing Partner of the Firm's Financial Services Department; (4) the Managing Partner of the Firm's Accounting Services Department would like to respond to the RFP; (5) the Managing Partner of the Firm's Accounting Services Department would make the decisions as to whether the Firm would respond to the RFP and whether the Firm would enter into a contract with the Charter School; (6) the Managing Partner of the Firm's Accounting Services Department would prepare the proposal, sign contracts and manage the staff in performing all services rendered; (7) Ms. Conner would not be involved in the decision as to whether to respond to the RFP; and (8) Ms. Conner would not sign the contract with the Charter School or be a provider of any services to the Charter School under the contract, Ms. Conner was advised as follows.

The submission to the Charter School of a Firm proposal responding to the RFP or other, related document(s) from the Firm would cause Ms. Con-

ner to run afoul of Section 1103(g) of the Ethics Act for engaging in prohibited “representation” before the former governmental body. Because Ms. Conner is the majority owner of the Firm and is aware of the proposed submission of such a proposal to the Charter School, the submission of any such documents could not occur without at least Ms. Conner’s acquiescence, if not her express approval. Any documents submitted from the Firm in response to the Charter School’s RFP would necessarily include Ms. Conner’s name and thus would have the inherent potential to influence the decision of the Board of Trustees of the Charter School with respect to the award of a contract for financial/bookkeeping services. Any invoices or bills submitted from the Firm to the Charter School for services provided under a contract between the Firm and the Charter School would likewise have the inherent potential to influence the decision of the Board of Trustees of the Charter School with regard to making payment for such services.

ZURCHIN**Decided: September 24, 2012****Opinion 12-003****Issued: October 5, 2012**

As the Assistant Superintendent for the Moon Area School District (“School District”), Cynthia R. Zurchin, Ed.D. would be considered a “public employee” subject to the Public Official and Employee Ethics Act (“Ethics Act”), 65 Pa.C.S. § 1101 et seq., and the Regulations of the Pennsylvania State Ethics Commission, 51 Pa. Code § 11.1 et seq. Based upon the submitted facts that: (1) Ms. Zurchin recently co-authored a book entitled “The Whale Done School” (the “Book”); (2) the School District School Board (“School Board”) has been made fully aware that Ms. Zurchin is a co-author of the Book; (3) the School Board conducted an independent review of the Book and the programs contained therein to determine whether the Book would be of educational benefit to the children and staff of the School District; (4) after the School Board took official action to approve the purchase of a copy of the Book for all employees within the School District, Ms. Zurchin was informed by the School District’s purchasing agent that the price to purchase the Book through Barnes & Noble would be \$12.13 per copy, including shipping and handling; (5) as one of the authors of the Book, Ms. Zurchin is able to purchase the Book directly from the publisher, Author House, at the price of \$5.98 per copy plus shipping and handling; (6) the School District will be ordering a minimum of 500 copies of the Book; (7) it would cost \$6,065.00 for the School District to purchase 500 copies of the Book from Barnes & Noble; (8) it would cost \$3,145.18, including ship-

ping, for Ms. Zurchin to purchase 500 copies of the Book from Author House; and (9) if Ms. Zurchin would purchase 500 copies of the Book from Author House for the benefit of the School District, it would save the School District \$2,919.82, and Ms. Zurchin would have no personal gain from the sale of such copies of the Book to the School District, Ms. Zurchin was advised as follows.

Based upon the submitted facts, Section 1103(a) of the Ethics Act would not prohibit Ms. Zurchin from purchasing copies of the Book directly from Author House on behalf of the School District in order to pass along to the School District the discount available to Ms. Zurchin as a co-author of the Book.

An agreement or arrangement whereby Ms. Zurchin would pay Author House for copies of the Book and then receive payment from the School District for the cost of the copies would constitute a “contract” as that term is defined in the Ethics Act. The value of such contract would be based upon the amount paid by the School District to Ms. Zurchin for the cost of the copies of the Book and not upon Ms. Zurchin’s lack of any financial gain from the transaction. The restrictions and requirements of Section 1103(f) of the Ethics Act would have to be observed as to any contract between Ms. Zurchin and the School District valued at \$500 or more. Section 1103(f) of the Ethics Act would, at a minimum, require that any contract between Ms. Zurchin and the School District valued at \$500 or more be awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.

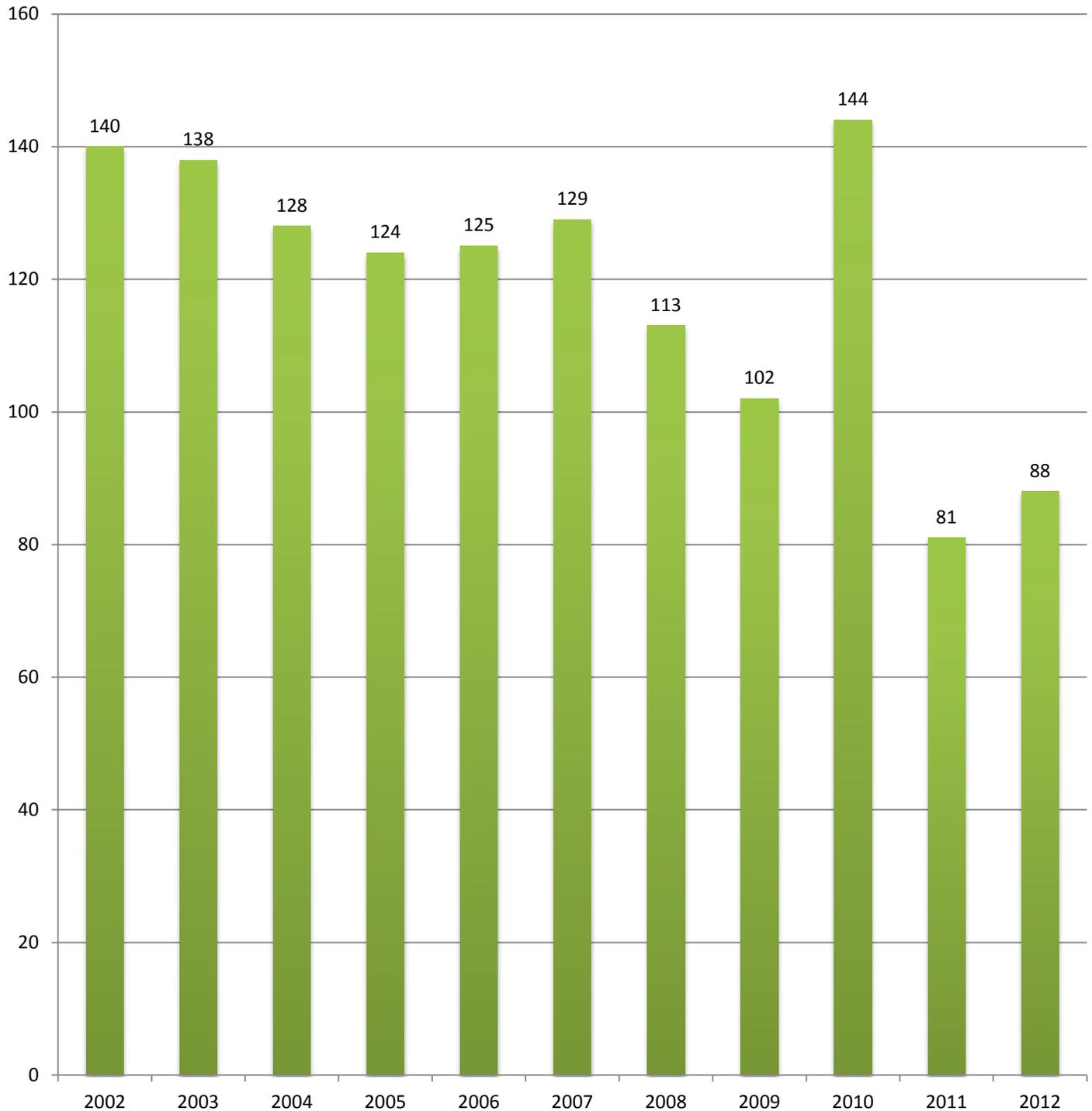
An agreement or arrangement whereby copies of the Book would be ordered from Author House in Ms. Zurchin’s name, with the School District making payment directly to Author House for the cost of the copies and no payment flowing to Ms. Zurchin, would not constitute a contract between Ms. Zurchin and the School District, and therefore, the restrictions and requirements of Section 1103(f) of the Ethics Act would not apply as to such an agreement or arrangement.

KLOVENSKY**Decided: September 24, 2012****Opinion 12-004****Issued: October 5, 2012**

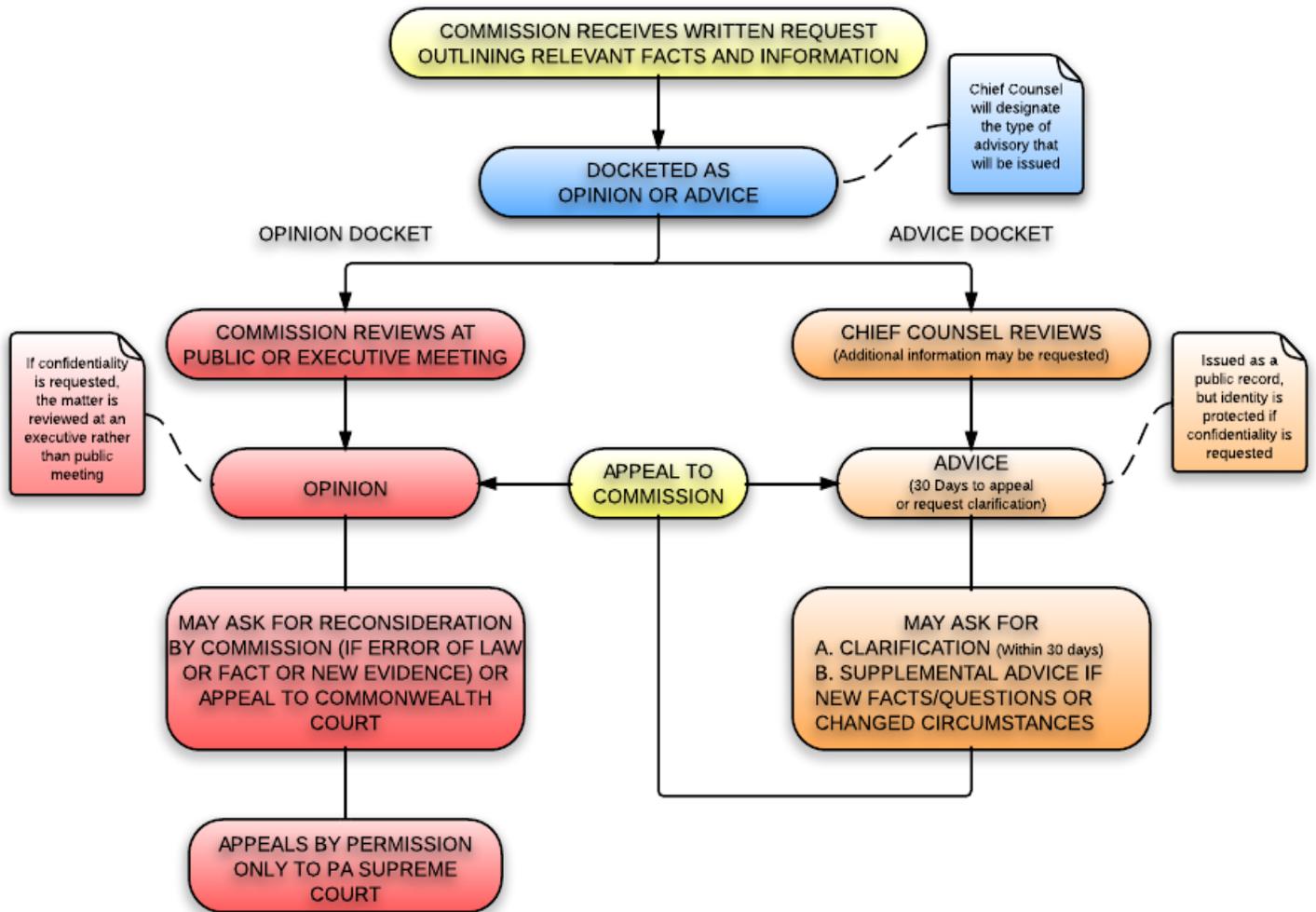
In this appeal from Advice of Counsel 12-554, the Commission held that a Motor Carrier Enforcement Officer with the Pennsylvania State Police under job code 70751 is a “public employee” subject to the Public Official and Employee Ethics Act (“Ethics Act”), 65 Pa.C.S. § 1101 et seq., and the Regulations of the State Ethics Commission, 51 Pa. Code § 11.1 et seq., and is required to file Statements of Finan-

cial Interests pursuant to the Ethics Act. The appeal was denied. Advice of Counsel 12-554 was affirmed.

Advices/Opinion Statistics 2001-2011 (Advices/Opinions issued by the Ethics Commission under the Ethics Act)



Opinions and Advices Flowchart



Litigation

LEGAL DIVISION

Office of Open Records v. State Ethics Commission, Docket No. 710 M.D. 2012: This enforcement action was initiated in the Commonwealth Court of Pennsylvania by the Pennsylvania Office of Open Records (“OOR”), seeking to enforce an OOR Order directing in camera review of certain documents in a Right-to-Know Law appeal (*Haverstick v. State Ethics Commission*, OOR Docket No. AP 2012-1173).

Complaints/Investigations

The State Ethics Commission is mandated to investigate sworn complaints and to initiate investigations on its own motion. A sworn complaint must include full names and addresses of the complainant and respondent, contain allegations related to specific individuals, be signed by the complainant, and be properly notarized.

The Commission’s Investigative Division will initially acknowledge receipt of a complaint. If the matter is not within the Commission’s jurisdiction or if the complaint lacks sufficient information, it will not be processed and the complainant so notified. The Commission’s Investigative Division may initiate either a preliminary or full investigation. A preliminary investigation must be completed within 60 days and either terminated or opened as a full investigation. The complainant will be notified within 72 hours of the commencement of a full investigation and both the complainant and subject

the findings and allegations. Such may include evidentiary hearings and arguments of law. Upon the conclusion of the investigation and all other proceedings, the Commission will issue a final order containing findings of fact and conclusions of law. Final orders issued by the Commission may be appealed to the Commonwealth Court of Pennsylvania.

INVESTIGATIONS ORDER SUMMARY

The State Ethics Commission issued the following Orders based upon alleged violations of the Public Official and Employee Ethics Act (“Ethics Act”), 65 Pa.C.S. §1101, et seq. While the following summaries of Orders are pertinent only to the involved individuals and their circumstances, the principles can be used as general guidelines.

PUBLIC OFFICIAL AND EMPLOYEE ETHICS ACT ORDERS—2012

Order No. 1596 (Michael)
Decided: January 30, 2012
Issued: February 14, 2012

As a Supervisor for Chest Township, Clearfield County, Carl Michael violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), when he, acting in his official capacity as a Township Supervisor, authorized repairs to be made to Township vehicles at a business with which he is associated, Michael Auto Body.

A violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), occurred when Michael, acting in his official capacity as a Township Supervisor, approved payments to Michael Auto Body, a business with which he is associated.

A violation of Section 1104(a) of the Ethics Act, 65 Pa.C.S. §1104(a), occurred in relation to Michael’s failure to file Statements of Financial Interests for the 2006 and 2008 calendar years.

Per the Consent Agreement of the parties, Michael is directed to make payment in the amount of \$1,000.00 payable to Chest Township and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission’s Order.

Per the Consent Agreement of the parties, Michael is further directed to not accept any reimbursement, compensation or other payment from Chest Township representing a full or partial reimbursement of the amount paid in settlement of this matter.

To the extent he has not already done so, Michael

INVESTIGATIVE COMPLIANCE STATISTICAL SUMMARY

Complaints received in 2012	328
Investigations opened in 2012	40
Ethics Orders issued in 2012	14
Lobbying Orders issued in 2012	31
Civil Penalty Orders issued in 2012	23
Orders where violations were found	68
Restitution/Penalty ordered:	
Ethics	\$51,478.48
Lobbying	\$114,194
Civil	\$5,625
Total	\$171,297.48

of the investigation will be notified every 90 days thereafter of the status of the matter. The subject of an investigation must be notified prior to the initiation of such investigation of the allegations against said person. If after a preliminary investigation the matter is terminated, both the complainant and subject of the inquiry will be notified. If a complaint is frivolous, the Commission must so state.

If a full investigation has been conducted, upon the conclusion of the field investigation the subject of the complaint will be issued a findings report containing the relevant findings of fact. Such reports must be issued within 360 days of the initiation of the full investigation. The subject of the investigation must respond to said report within 30 days after the issuance thereof. Upon completion of the field investigation and the issuance of and response to the findings report, the subject will be afforded a full and fair opportunity to challenge

is directed to file Statements of Financial Interests for calendar years 2006 and 2008 with Chest Township, through the Pennsylvania State Ethics Commission, by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1597 (Polites)

Decided: January 30, 2012

Issued: February 14, 2012

As a Supervisor for West Carroll Township, Timothy J. Polites violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), in relation to his participation and actions as a Township Supervisor in the reviewing and preparing of bids and specifications in relation to a Township building project, resulting in the award of contracts to businesses with which he is associated, and when he subsequently participated in the approval of payments to these companies.

A violation of Section 1105(b) of the Ethics Act, 65 Pa.C.S. §1105(b), occurred when Polites failed to disclose on Statements of Financial Interests filed for the 2006, 2007, and 2008 calendar years all direct and/or indirect sources of income, and office, directorship or employment in any business; and when he failed to disclose on SFIs filed for the 2006, 2007, and 2009 calendar years his financial interests in any legal entity in business for profit.

Per the Consent Agreement of the parties, Polites is directed to make payment in the amount of \$4,000.00 payable to West Carroll Township and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Polites is further directed to not accept any reimbursement, compensation or other payment from the Township, etc. representing a full or partial reimbursement of the amount paid in settlement of this matter.

Polites is directed to file with the Township, through the Pennsylvania State Ethics Commission, amended SFIs for calendar years 2006, 2007, 2008, and 2009, disclosing all information required, by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1598 (Mellow)

Decided: March 22, 2012

Issued: March 26, 2012

As a Pennsylvania State Senator, Robert Mellow's actions in 2007 in authorizing the continuation of a Senate lease regarding the location of his senatorial district office from Brad, Inc., a business with which he was associated in 2007, when his divorce was finalized, resulted in a transgression of Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a).

Per the Consent Agreement of the parties, Robert Mellow is directed to make payment in the amount of \$21,000 by way of certified check or money order made payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Robert Mellow is further directed to not accept any reimbursement, compensation or other payment from the Commonwealth of Pennsylvania representing a full or partial reimbursement of the amount paid in settlement of this matter.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission except as noted in the Consent Agreement of the parties.

Order No. 1599 (Boyer)

Decided: April 12, 2012

Issued: April 25, 2012

As the Superintendent of Montour School District, Donald E. Boyer violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), when he used the authority of his office as District Superintendent by refusing to accept a refund check issued to the District from The Education Management Group, LLC, a business with which he is associated.

No violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), occurred in relation to Boyer participating in discussions with the District Board of Directors which resulted in the use of a business with which he is associated (EMG) to provide Business Manager functions for the District, in that at the time of the participation and/or discussions, Boyer did not use the authority of any office.

No violation of Section 1103(f) of the Ethics Act, 65 Pa.C.S. §1103(f), occurred in relation to Boyer's company (EMG) being awarded a contract without an open and public process, in that at the time the contract was awarded, Boyer was not a public offi-

cial/public employee.

Per the Consent Agreement of the parties, Boyer is directed to make payment in the amount of \$5,000.00 payable to Montour School District and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Boyer is further directed to not accept any reimbursement, compensation or other payment from the District representing a full or partial reimbursement of the amount paid in settlement of this matter.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1600 (Ellison)

Decided: April 12, 2012

Issued: April 27, 2012

A violation of Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), occurred when James Ellison, as Chairman of The Harrisburg Authority, participated in discussions which resulted in the hiring of a lawyer employed by Rhoads & Sinon, LLP, to serve as counsel for The Harrisburg Authority, at a time when Ellison was both a Member of The Harrisburg Authority and an equity partner of Rhoads & Sinon, LLP, and a violation of Section 1103(a) of the Ethics Act also occurred when Ellison signed checks resulting in payments being issued to Rhoads & Sinon, LLP.

Per the Consent Agreement of the parties, Ellison is directed to make payment in the amount of \$2,297.95 as follows: (a) \$1,297.95 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order; and (b) \$1,000.00 in reimbursement representing a portion of the expenses and costs incurred by the Commission in the investigation and administrative prosecution of the instant matter, payable by certified check or money order made payable to the Pennsylvania State Ethics Commission.

Per the Consent Agreement of the parties, Ellison is further directed to not accept any reimbursement, compensation or other payment from The Harrisburg Authority representing a full or partial reimbursement of the amount paid in settlement of this matter.

Compliance with the Commission Order will result in the closing of this case with no further action by the Commission.

Order No. 1601 (Wherry)

Decided: April 12, 2012

Issued: May 1, 2012

As a Township Supervisor for Summerhill Township, Cambria County, Pennsylvania, Earl Wherry did not violate Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), in relation to his participation in discussions and actions of the Township Board of Supervisor to terminate a contract with the Cambria County Building Code Enforcement Agency at a time when Wherry had an ongoing building/permitting project with CCBCA, as there is insufficient evidence to establish a use of office constituting a violation.

A violation of Section 1104(a), 1104(d) and 1105(b) of the Ethics Act, 65 Pa.C.S. §§1104(a), 1104(d) and 1105(b), occurred in relation to Wherry's failure to file a Statement of Financial Interests for the 2009 calendar year and when he failed to disclose on an SFI for the 2010 calendar year his occupation or profession, real estate interests, and business interests transferred to immediate family members.

Per the Consent Agreement of the parties, Wherry is directed to make payment in the amount of \$1,875.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing of the Commission's Order.

Per the Consent Agreement of the parties, Wherry is further directed to not accept any reimbursement, compensation or other payment from the Township representing a full or partial reimbursement of the amount paid in settlement of this matter.

To the extent he has not already done so, Wherry is directed to file with the Township, through the Pennsylvania State Ethics Commission, an SFI for calendar year 2009 and an amended SFI for calendar year 2010, by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1602 (Scimio)

Decided: April 12, 2012

Issued: May 3, 2012

No violation of Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), occurred in relation to Paul Scimio, a Council Member for Leetsdale Borough, Allegheny County, being

hired as a Borough Manager, as there is insufficient evidence to establish that Scimio utilized the authority of his office as a Borough Council Member to secure the Borough Manager position.

A violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), occurred in relation to Scimio's use of a Borough issued credit card for personal expenses.

Per the Consent Agreement of the parties, Scimio is directed to make payment in the amount of \$1,078.03 payable to Leetsdale Borough and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Scimio is directed to not accept any reimbursement, compensation or other payment from the Borough representing a full or partial reimbursement of the amount paid in settlement of this matter.

Per the Consent Agreement of the parties, Scimio is further directed that he is to neither seek nor hold any position of public office or public employment in the Commonwealth of Pennsylvania for a period of five (5) years from the mailing date of the Commission's Order. This is not intended to prohibit Scimio from rendering services to a governmental body as an independent contractor (either directly or through subcontractors), except to the extent such conduct would be prohibited by Section 1103(g) of the Ethics Act, 65 Pa.C.S. §1103(g).

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1603 (Keller)
Decided: April 12, 2012
Issued: May 3, 2012

As a Member of the Board of Directors of the Harrisburg Authority, John Keller violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), when he used the authority of his public position by participating in discussions and actions of THA to award contracts valued in excess of \$500 to J2 Consulting, a business with which Keller's son is associated.

A violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), occurred in relation to Keller participating in actions of THA to approve payments issued to J2 Consulting, including the direction that payment be made for a disputed August 2007 invoice, and when he executed payment checks as the THA signatory for payment of J2 Consulting invoices.

A violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), occurred in relation to Keller

obtaining computer equipment and accessories purchased by THA and retaining these items for his personal use after his term ended.

Per the Consent Agreement of the parties, Keller is directed to make payment in the amount of \$10,000.00 payable to The Harrisburg Authority and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Keller is further directed to not accept any reimbursement, compensation or other payment from THA representing a full or partial reimbursement of the amount paid in settlement of this matter.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1604 (Raysely)
Decided: September 24, 2012
Issued: October 5, 2012

As a Member of the Coplay Whitehall Sewer Authority, Stephen Raysely violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), when he charged items of a personal nature for himself and/or his wife to CWSA accounts and credit cards and subsequently participated in actions of the CWSA to approve payments for these expenses.

A violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), occurred when Raysely participated in actions and received compensation for attending conferences, meetings and conventions, which compensation was not approved by the appointing authority.

No violation of Section 1104(a) of the Ethics Act, 65 Pa.C.S. §1104(a), occurred in relation to Raysely's alleged failure to file a Statement of Financial Interests for 2006, 2007 and 2008 calendar years by May 1 of the succeeding calendar year, as there is insufficient evidence to prove that the statements were filed after the May 1 deadline for each year.

No violation of Section 1104(a) of the Ethics Act, 65 Pa.C.S. §1104(a), occurred when Raysely backdated SFIs giving the appearance that the forms were timely filed, as there is insufficient evidence to prove such was done intentionally.

A violation of Section 1105(b) of the Ethics Act, 65 Pa.C.S. §1105(b), occurred in relation to Raysely's failure to disclose on an SFI filed for the 2008 calendar year gifts; transportation; lodging; hospitality; office, directorship or employment in any business; financial interest in any legal entity in business for profit and business interests trans-

ferred to immediate family members.

Per the Consent Agreement of the parties, Raysely is directed to make payment in the amount of \$1,317.50 payable to Coplay Whitehall Sewer Authority and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's adjudication and Order.

Per the Consent Agreement of the parties, Raysely is further directed to not accept any reimbursement, compensation or other payment from CWSA representing a full or partial reimbursement of the amount paid in settlement of this matter.

To the extent he has not already done so, Raysely is directed to file an amended SFI for calendar year 2008 with CWSA, through the Commission, by no later than the thirtieth (30th) day after the mailing date of the Commission's adjudication and Order.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1605 (Anderson)
Decided: September 24, 2012
Issued: October 5, 2012

As the Business Enterprise Program Coordinator/an Administrative Officer 3 with the Office of Vocational Rehabilitation within the Pennsylvania Department of Labor and Industry, Robert Anderson violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), when he used Commonwealth materials, equipment and/or facilities in furtherance of his personal interests and when he used a Commonwealth issued credit card to make purchases of a personal nature.

A violation of Section 1105(b) of the Ethics Act, 65 Pa.C.S. §1105(b), occurred when Anderson failed to list on Statements of Financial Interests filed for the 2005, 2006, 2007 and 2009 calendar years all direct/indirect sources of income; when he failed to disclose all creditors in excess of \$6,500 on Statements of Financial Interests filed for the 2008 and 2009 calendar years; when he failed to disclose his office, directorship, or employment in any business on a Statement of Financial Interests filed for the 2007 calendar year; and when he failed to disclose on Statements of Financial Interests filed for the 2007, 2008 and 2009 calendar years his financial interest in any entity in business for profit.

Per the Consent Agreement of the parties, Anderson is directed to make payment in the amount of \$1,250.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth

(30th) day after the mailing date of the Commission's Order.

Anderson is directed to file with the Pennsylvania Department of Labor and Industry, through the Pennsylvania State Ethics Commission, amended Statements of Financial Interests for the 2005, 2006, 2007, 2008, and 2009 calendar years by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1606 (Kirkwood)
Decided: September 24, 2012
Issued: October 5, 2012

As a Member of the New Castle Area School District Board of Directors, Mark Kirkwood transgressed Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), when the District/Seton Hill University "College in High School Program" was used to assist in Kirkwood's son, Matt Kirkwood, obtaining the college credits required to transfer from Shelton State Community College to Cleveland State in order to obtain an athletic scholarship with Cleveland State that would minimize the financial burden associated with Matt Kirkwood's college education.

Per the Consent Agreement of the parties, Kirkwood is directed to make payment for a portion of the costs of the investigation of this matter, which payment is to be in the amount of \$1,000.00 payable to the Pennsylvania State Ethics Commission and forwarded to the Commission within six months of the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Kirkwood is directed to not accept any reimbursement, compensation or other payment from the District representing a full or partial reimbursement of the amount paid in settlement of this matter.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Order No. 1607 (Carner)
Decided: September 24, 2012
Issued: October 9, 2012

As a Supervisor for Fairview Township, Erie County, Dave Carner violated Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), in relation to his participation in discussions and actions of the Township Board of Super-

visors which resulted in the Township hiring “Carner Services,” a business owned by Carner’s father, to perform services for Township; and when Carner participated in actions of the Board of Supervisors to approve payments issued to “Carner Services.

Respondent’s Statement(s) of Financial Interests for calendar years 2007 and 2008, which were filed as a Member of the Township Parks and Recreation Board and listed “Township Supervisor” and “Supervisor – Fairview Township,” constituted substantial compliance with the

Ethics Act such that it is appropriate to permit amendment as per in In re Benninghoff, 578 Pa. 402, 852 A.2d 1182 (2004).

Per the Consent Agreement of the parties, Carner is directed to make payment in the amount of \$1,225.00 payable to Fairview

Township and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission’s Order.

Per the Consent Agreement of the parties, Carner is directed to not accept any reimbursement, compensation or other payment from the Township representing a full or partial reimbursement of the amount paid in settlement of this matter.

To the extent he has not already done so, Carner is directed to file complete and accurate Statements of Financial Interests for calendar years 2007 and 2008 with the Township through the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission’s Order.

Compliance with the Commission’s Order will result in the closing of this case with no further action by the Commission.

Order No. 1608 (Clark)
Decided: September 24, 2012
Issued: October 9, 2012

As a Member of the Board of Directors of The Harrisburg Authority, Fredrick Clark violated Sec-

tion 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), in relation to his retention of computer equipment and accessories upon the expiration of his term as a member of the Board of Directors for THA and his failure to either timely return or reimburse THA for the same.

Per the Consent Agreement of the parties, Clark is directed to make payment in the amount of \$1,185.00 payable to The Harrisburg Authority and forwarded to the Pennsylvania State Ethics Com-

mission by no later than the thirtieth (30th) day after the mailing date of the Commission’s Order.

Per the Consent Agreement of the parties, Clark is further directed to not accept any reimbursement, compensation or other payment from THA representing a full or partial reimbursement

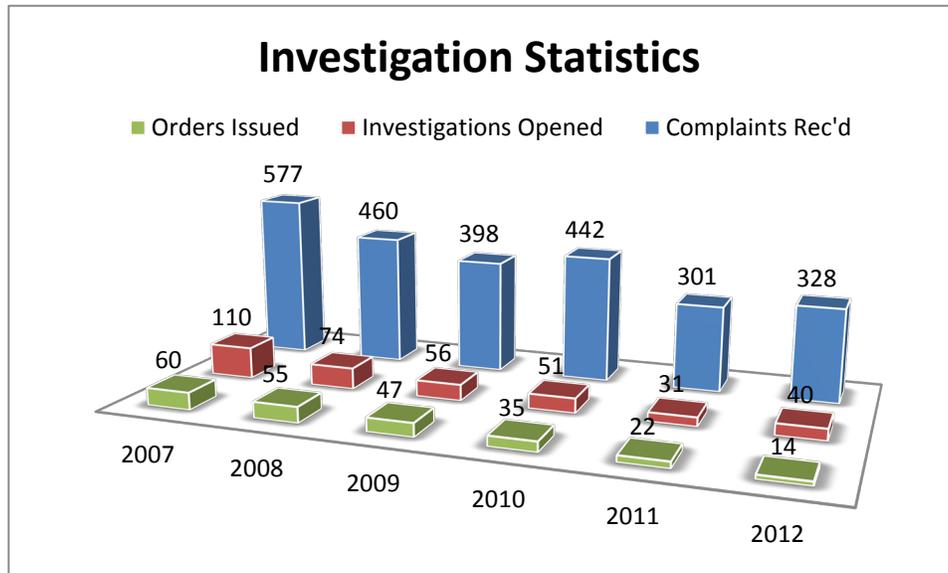
of the amount paid in settlement of this matter.

Compliance with the Commission’s Order will result in the closing of this case with no further action by the Commission.

Order No. 1609 (Krull)
Decided: September 24, 2012
Issued: October 9, 2012

As an Income Maintenance Caseworker for the Pennsylvania Department of Public Welfare, Mark Krull did not violate Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. §1103(a), in relation to Krull’s attempts to contact and contract with applicants/clients of DPW seeking Social Security Disability and Social Security Income benefits; nor when he utilized the facilities, equipment and supplies of DPW in furtherance of his private business interest, based upon the parties’ agreement that there is insufficient evidence to establish a violation by way of clear and convincing evidence.

A violation of Section 1104(a) of the Ethics Act, 65 Pa.C.S. §1104(a), occurred when Krull failed to file Statements of Financial Interests for the 2006, 2007, 2008, 2009 and 2010 calendar years.



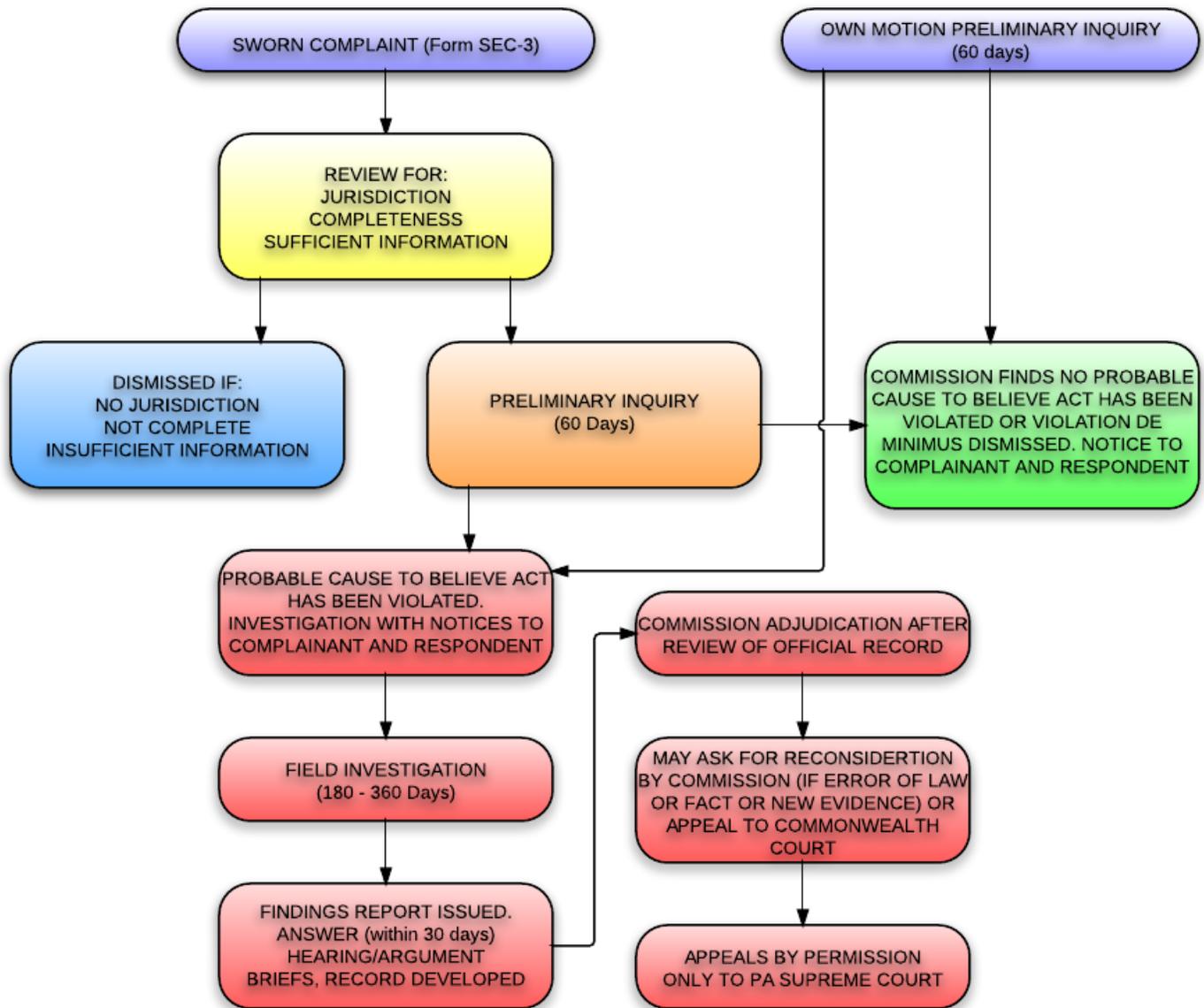
Per the Consent Agreement of the parties, Krull is directed to make payment in the amount of \$2,250.00 payable as follows: (a) \$1,250.00 payable by certified check or money order made payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order; and (b) \$1,000 in reimbursement representing a portion of the expenses and costs incurred by the Pennsylvania State Ethics Commission in the investigation and administrative prosecution of the instant matter, payable by certified check or money order made payable to the Pennsylvania State Ethics Commission and forwarded to the Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Krull is directed to not accept any reimbursement compensation or other payment from the Commonwealth of Pennsylvania representing a full or partial reimbursement of the amount paid in settlement of this matter.

To the extent he has not already done so, Krull is further directed to file Statements of Financial Interests for calendar years 2006, 2007, 2008, 2009 and 2010 with DPW, through the Pennsylvania State Ethics Commission, by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Compliance with the Commission's Order will result in the closing of this case with no further action by the Commission.

Investigative Flow Chart



Pennsylvania Lobbying Disclosure Law

OVERVIEW

On November 1, 2006, Act No. 134-2006, the Pennsylvania Lobbying Disclosure Law, was signed into law, following a decision in 2002 by the Pennsylvania Supreme Court invalidating the prior Lobbying Disclosure Act as an unconstitutional regulation of attorneys engaged in the practice of law.

Under the Lobbying Disclosure Law, 65 Pa.C.S. § 13A01 et seq., the State Ethics Commission's responsibilities include enforcement, issuing advisories, and participating on the Lobbying Disclosure Regulatory Committee through the Commission Chair or his designee. Responsibility for the administration of the registration and reporting requirements is vested in the Pennsylvania Department of State.

The substantive provisions of the Lobbying Disclosure Law took effect January 1, 2007.

ADVISORIES

The Commission issues advisories under the Lobbying Disclosure Law to persons with standing (legal authority) to submit such requests. The process for issuing advisories under the Lobbying Disclosure Law is similar to the process under the former lobbying law and under the Ethics Act. Advisories are issued as to prospective conduct only.

ENFORCEMENT

Also as of January 1, 2007, the Commission has authority to enforce the registration and reporting requirements (Sections 13A04 and 13A05) and, to some extent, the "prohibited activities" section (Section 13A07) of the Lobbying Disclosure Law.

With regard to enforcement of the registration and reporting requirements, the Lobbying Disclosure Law provides a process (see, Section 13A09) whereby the Commission is to issue a "Notice of Alleged Noncompliance" to a person (hereinafter referred to as the "non-filer") who has failed to register or report as required. The non-filer is given an opportunity to appeal to the Commission and to request a hearing. Intentional violations are referred to the Office of Attorney General and in some instances to the Disciplinary Board of the Supreme Court of Pennsylvania ("Disciplinary Board") as discussed below. For negligent violations, the Commission may impose an administrative penalty of up to \$50 for each late day. The Commission may also prohibit a non-filer from lobbying for economic consideration for up to five years if the non-filer fails to comply after notice of noncompliance and a

hearing, if requested.

With regard to enforcement of the "prohibited activities" section of the Lobbying Disclosure Law, Section 13A07, the Commission has authority to receive complaints, conduct investigations, hold hearings, and impose administrative penalties as to: (1) lobbying "conflicts of interest" as described in subsection (d); and (2) 10 categories of "unlawful acts" listed in subsection (f). For violations as to these particular types of "prohibited activities," the Commission has authority to impose financial penalties of up to \$2,000 per violation and to prohibit a lobbyist from lobbying for economic consideration for up to five years.

Subject to certain statutory exceptions, it is a "conflict of interest" under the Lobbying Disclosure Law for a registrant to lobby on behalf of a principal "on any subject matter in which the principal's interests are directly adverse to the interests of another principal currently represented by the lobbyist or previously represented by the lobbyist during the current session of the General Assembly or the lobbyist's own interests." 65 Pa.C.S. § 13A07(d)(1).

The 10 categories of "unlawful acts" listed in Section 13A07(f) involve: (1) instigating the introduction of legislation for the purpose of obtaining employment to lobby against it; (2) knowingly counseling a person to violate the Lobbying Disclosure Law or any other state/federal statute; (3) engaging in or counseling a person to engage in fraudulent conduct; (4) attempting to influence a State official or employee on legislative or administrative action through a loan; (5) refusing to disclose to a State official or employee, upon request, the identity of the principal while lobbying on behalf of the principal; (6) committing a criminal offense arising from lobbying; (7) using coercion, bribery, or threat of economic sanction to influence a State official or employee in the discharge of his official duties; (8) extorting or otherwise unlawfully retaliating against a State official or employee because of his position or vote as to legislative action or administrative action; (9) attempting to influence a State official or employee on legislative or administrative action through a promise of financial support or the financing of opposition to the candidacy of the State official or employee at a future election; or (10) engaging in conduct that brings the practice of lobbying or the Legislative or Executive Branches of State government into disrepute.

For all of the other prohibited activities detailed in Section 13A07 of the Lobbying Disclosure Law, the Commission may initiate investigations through the Executive Director and hold hearings pursuant to the Commission's general authority under Section 13A08(g). Such prohibited activities are

listed in Section 13A07, subparagraphs (a)-(c) and (e) and involve: service by a lobbyist as an officer of a candidate's political committee or a candidate's political action committee where the candidate is seeking a statewide office or the office of state legislator (subsection (a)); fee restrictions where all or a portion of a lobbyist's fee would be converted into a contribution to a candidate or political committee subject to reporting under the

Election Code (subsection (b)); falsification in the course of lobbying (subsection (c)); and compensation for lobbying that is contingent upon achieving certain outcomes (subsection (e)).

However, the only penalty the Commission may impose for these types of violations is a prohibition against lobbying for economic consideration for up to five years in the event of an intentional violation. 65 Pa.C.S. § 13A09(e)(4).

For all of the above types of matters, if the Commission has reason to believe that an intentional violation of the Lobbying Disclosure Law has been committed, the Commission must refer all relevant information to the Office of Attorney General and, if the lobbyist or principal is an attorney, to the Disciplinary Board. 65 Pa.C.S. § 13A09(h). Referrals to the Attorney General and Disciplinary Board would generally not preclude the Commission from conducting its own proceedings. However, matters involving alleged conflicts of interest on the part of attorneys would be handled exclusively by the Disciplinary Board. 65 Pa.C.S. § 13A07(d)(8).

An alleged violation of the "unlawful acts" provision by an attorney would be referred to the Disciplinary Board. 65 Pa.C.S. § 13A07(f)(3)(ii). Matters involving an attorney's failure to register or report would be heard by the Commission with the Commission referring cases involving intentional conduct to the Disciplinary Board as well as the Attorney General. In the event of an attorney's negligent failure to register/report, the Commission could impose an administrative/civil penalty but would be required to inform the Disciplinary Board of such action. 65 Pa.C.S. §§ 13A09(b)(2)-(3), (c)(3).

LOBBYING COMPLIANCE ACTIVITIES

During calendar year 2012, the State Ethics Commission commenced continued compliance reviews of lobbying disclosure registration statements and quarterly expense reports filed with the Pennsylvania Department of State.

DEFICIENT REGISTRATIONS

The following summarizes compliance activities with regards to deficient registrations:

DEFICIENT/DELINQUENT QUARTERLY EXPENSE REPORTS

REGISTRATION PERIOD 2011-2012

Lobbyists failing to pay registration fee and to submit photo	1
Lobbyists submitting photo, but failing to pay registration fee	0
Lobbyists paying fee, but failing to submit photo.....	21
Lobbying firms failing to pay registration fee	0
Principals failing to pay registration fee.....	3
TOTAL WARNING NOTICES SENT	38*

FEES COLLECTED AS A RESULT OF REGISTRATION

RELATED COMPLIANCE ACTIVITIES

1 registration totaling \$200.00 in delinquent fees collected

*in accordance with Department of State procedure, 13 of the 38 entities failing to submit the required fee, "deleted" their registrations and were not required to submit a fee.

Lobbying Notices of Alleged Noncompliance

As with preceding years, the Investigative Division continued conducting compliance reviews of Lobbying Registrations and Quarterly Expense Reporting. Upon deficient and non-filers being identified by the Pennsylvania Department of State, Warning Notices were forwarded to individuals and entities who failed to timely comply with registration and reporting requirements. In all, during the 2012 calendar year, 237 instances of incomplete Registration and/or failures to file Quarterly Expense Reports were identified. Per the Lobbying Disclosure Law and Lobbying Regulations, delinquent and non-filers are afforded an opportunity to file outstanding reports without assessment of a penalty. Of the 237 instances of non/delinquent filings, a vast majority complied within the stated cure period. Of those who did not, the Investigative Division filed Notices of Noncompliance against Twenty-Six(26) Registered Principals for non-filing of Quarterly Expense Reports, and negotiated \$108,599.00 in penalties.

Lobbying Disclosure Enforcement Orders

The State Ethics Commission issued the following Orders based upon alleged violations of the Lobbying Disclosure Law, 65 Pa.C.S. §13A01, et seq. While the following summaries of Orders are pertinent only to the involved individuals and their

circumstances, the principles can be used as general guidelines.

Order No. 008-SL (Salus University)

Decided: January 31, 2012

Issued: February 1, 2012

Salus University, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P01122," failed to timely file a quarterly expense report with the Department of State for the first quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Salus University in the amount of \$5,740.00 for its delinquent quarterly expense report for the first quarter of 2011.

In that Salus University has already made payment of the aforesaid administrative penalty in the amount of \$5,740.00 in accordance with the Consent Agreement of the parties, and has now filed a quarterly expense report for the first quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 009-SL (Donald R. Pickle, Jr.)

Decided: January 31, 2012

Issued: February 1, 2012

Donald R. Pickle, Jr. ("Pickle"), in his capacity as a lobbyist who filed a lobbyist registration statement to be registered with the Pennsylvania Department of State pursuant to Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A04, for lobbying activities that commenced on January 22, 2010, failed to submit a photograph and pay the requisite registration fee of \$100.00 as required under Sections 13A04 and 13A10 of the Lobbying Disclosure Law, 65 Pa.C.S. §§ 13A04, 13A10(a).

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Pickle in the amount of \$475.00 (95 days x \$5.00 per day) for the aforesaid deficiency in filing his lobbyist registration statement, which administrative penalty Pickle has paid.

Pickle is directed to pay the \$100.00 registration fee and submit a photograph as required under

Sections 13A04 and 13A10 of the Lobbying Disclosure Law, 65 Pa.C.S. §§ 13A04, 13A10(a), to the extent he has not already done so.

Order No. 010-SL (Synagro Technologies, Inc.)

Decided: January 31, 2012

Issued: February 1, 2012

Synagro Technologies, Inc., in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P02070," failed to timely file quarterly expense reports with the Department of State for the fourth quarter of 2010 and the first quarter of 2011, as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Synagro Technologies, Inc. in the amount of \$20,900.00 for its delinquent quarterly expense reports for the fourth quarter of 2010 and the first quarter of 2011.

In that Synagro Technologies, Inc. has already made payment of the aforesaid administrative penalty in the amount of \$20,900.00 in accordance with the Consent Agreement of the parties, and has now filed quarterly expense reports for the fourth quarter of 2010 and the first quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 011-SL (Barnes and Noble Booksellers)

Decided: January 31, 2012

Issued: February 3, 2012

[Barnes & Noble College]

Barnes & Noble College Booksellers, LLC, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P18048," failed to timely file a quarterly expense report with the Department of State for the first quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Barnes & Noble College Booksellers, LLC in the amount of \$5,705.00 for its delinquent quarterly expense report for the first

quarter of 2011.

In that Barnes & Noble College Booksellers, LLC has already made payment of the aforesaid administrative penalty in the amount of \$5,705.00 in accordance with the Consent Agreement of the parties, and has now filed a quarterly expense report for the first quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 012-SL (Dave Dumeyer)

Decided: January 31, 2012

Issued: February 3, 2012

Dave Dumeyer (“Dumeyer”), in his capacity as a lobbyist for whom a lobbyist registration statement was filed with the Pennsylvania Department of State pursuant to Pennsylvania’s lobbying disclosure law (“Lobbying Disclosure Law”), 65 Pa.C.S. § 13A04, for lobbying activities designated to have commenced on October 1, 2009, failed to submit a photograph as required under Section 13A04 of the Lobbying Disclosure Law, 65 Pa.C.S. § 13A04.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Dumeyer in the amount of \$3,640.00 (728 days x \$5.00 per day) for the aforesaid deficiency in filing his lobbyist registration statement, which administrative penalty Dumeyer has paid.

In that Dumeyer has already made payment of the aforesaid administrative penalty in the amount of \$3,640.00 in accordance with the Consent Agreement of the parties, and has now submitted a photograph of himself to the Pennsylvania Department of State, no further action is required in this case, and this case is closed.

Order No. 013-SL (Theresa J. Bulger)

Decided: January 31, 2012

Issued: February 3, 2012

Theresa J. Bulger (“Bulger”), in her capacity as a lobbyist who filed a lobbyist registration statement to be registered with the Pennsylvania Department of State pursuant to Pennsylvania’s lobbying disclosure law (“Lobbying Disclosure Law”), 65 Pa.C.S. § 13A04, for lobbying activities that commenced on December 1, 2009, failed to submit a photograph as required under Section 13A04 of the Lobbying Disclosure Law, 65 Pa.C.S. § 13A04.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Bulger in the amount of \$480.00 (96 days x \$5.00 per day) for the aforesaid deficiency in filing her lobbyist registration statement, which administrative penalty Bulger has paid.

Bulger is directed to submit a photograph as required under Section 13A04 of the Lobbying Disclosure Law, 65 Pa.C.S. § 13A04, to the extent she has not already done so.

Order No. 014-SL (Metropolitan Career Center)

Decided: January 31, 2012

Issued: February 3, 2012

Metropolitan Career Center, in its capacity as a principal registered with the Pennsylvania Department of State (“Department of State”) under principal registration number “P02413,” failed to timely file a quarterly expense report with the Department of State for the first quarter of 2011 as required by Section 13A05 of Pennsylvania’s lobbying disclosure law (“Lobbying Disclosure Law”), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Metropolitan Career Center in the amount of \$1,584.00 for its delinquent quarterly expense report for the first quarter of 2011, which administrative penalty Metropolitan Career Center has paid.

Per the Consent Agreement of the parties, Metropolitan Career Center is directed to fulfill its agreement to refrain from any and all lobbying activities in Pennsylvania until December 31, 2014.

Order No. 015-SL (Mary Shull)

Decided: January 31, 2012

Issued: February 8, 2012

Mary Shull (“Shull”), in her capacity as a lobbyist who filed a lobbyist registration statement to be registered with the Pennsylvania Department of State pursuant to Pennsylvania’s lobbying disclosure law (“Lobbying Disclosure Law”), 65 Pa.C.S. § 13A04, for lobbying activities that commenced on March 7, 2011, failed to submit a photograph as required under Section 13A04 of the Lobbying Disclosure Law, 65 Pa.C.S. § 13A04.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administra-

tive penalty against Shull in the amount of \$305.00 (61 days x \$5.00 per day) for the aforesaid deficiency in filing her lobbyist registration statement, which administrative penalty Shull has paid.

In that Shull has already made payment of the aforesaid administrative penalty in the amount of \$305.00 in accordance with the Consent Agreement of the parties, and has now submitted a photograph of herself to the Department of State, no further action is required in this case, and this case is closed.

Order No. 016-SL (Food For All, Inc.)

Decided: January 31, 2012

Issued: February 8, 2012

Food For All, Inc., in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P16058," failed to timely file quarterly expense reports with the Department of State for the fourth quarter of 2010 and the first quarter of 2011, as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Food For All, Inc. in the amount of \$1,548.00 for its delinquent quarterly expense reports for the fourth quarter of 2010 and the first quarter of 2011, which administrative penalty Food For All, Inc. has paid.

Per the Consent Agreement of the parties, Food For All, Inc is directed to fulfill its agreement to refrain from any and all lobbying activities in Pennsylvania until December 31, 2014.

Order No. 017-SL (Daniel McElhatton)

Decided: January 31, 2012

Issued: February 8, 2012

Daniel McElhatton ("McElhatton"), in his capacity as a lobbyist who filed a lobbyist registration statement with the Pennsylvania Department of State on January 12, 2011, to be registered as a lobbyist pursuant to Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A04, failed to submit a photograph as required under Section 13A04 of the Lobbying Disclosure Law, 65 Pa.C.S. § 13A04.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administra-

tive penalty against McElhatton in the amount of \$695.00 (139 days x \$5.00 per day) for the aforesaid deficiency/delinquency in filing a photograph as required per his 2011-2012 lobbyist registration statement, which administrative penalty McElhatton has paid.

In that McElhatton has already made payment of the aforesaid administrative penalty in the amount of \$695.00 in accordance with the Consent Agreement of the parties, and has now submitted a photograph of himself for the 2011-2012 registration period, no further action is required in this case, and this case is closed.

Order No. 019-SL (Pennsylvania Rural Electric Association)

Decided: April 12, 2012

Issued: April 13, 2012

Pennsylvania Rural Electric Association, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P00202," failed to timely file a quarterly expense report with the Department of State for the second quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Pennsylvania Rural Electric Association in the amount of \$1,620.00 for its delinquent quarterly expense report for the second quarter of 2011.

In that Pennsylvania Rural Electric Association has already made payment of the aforesaid administrative penalty in the amount of \$1,620.00 in accordance with the Consent Agreement of the parties, and has now filed a quarterly expense report for the second quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 020-SL (Adelphoi USA)

Decided: April 12, 2012

Issued: April 13, 2012

Adelphoi USA, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P30477," failed to timely file quarterly expense reports with the Department of State for the second and third quarters of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclo-

sure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Adelphoi USA in the amount of \$3,600.00 for its delinquent quarterly expense reports for the second and third quarters of 2011.

In that Adelphoi USA has already made payment of the aforesaid administrative penalty in the amount of \$3,600.00 in accordance with the Consent Agreement of the parties, and has now filed quarterly expense reports for the second and third quarters of 2011, no further action is required in this case, and this case is closed.

Order No. 021-SL (Renew Growing Greener Greener Coalition)

Decided: April 12, 2012

Issued: April 13, 2012

Renew Growing Greener Coalition, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P24337," failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Renew Growing Greener Coalition in the amount of \$1,800.00 for its delinquent quarterly expense report for the third quarter of 2011.

To the extent it has not already done so, Renew Growing Greener Coalition is directed to pay the aforesaid administrative penalty in the amount of \$1,800.00 by way of certified check or money order in the amount of \$1,800.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 022-SL (Lawn Care Association of Pennsylvania)

Decided: April 12, 2012

Issued: April 13, 2012

Lawn Care Association of Pennsylvania, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P27872," failed to timely file quarterly expense reports with the Department of State for the second and third quarters of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Lawn Care Association of Pennsylvania in the amount of \$1,800.00 for its delinquent quarterly expense reports for the second and third quarters of 2011.

To the extent it has not already done so, Lawn Care Association of Pennsylvania is directed to pay the aforesaid administrative penalty in the amount of \$1,800.00 by way of certified check or money order in the amount of \$1,800.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 023-SL (Neiman Group)

Decided: April 12, 2012

Issued: April 17, 2012

Neiman Group, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P10062," failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Neiman Group in the amount of \$2,800.00 for its delinquent quarterly expense report for the third quarter of 2011.

To the extent it has not already done so, Neiman Group is directed to pay the aforesaid administrative penalty in the amount of \$2,800.00 by way of certified check or money order in the amount of \$2,800.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commis-

sion's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 024-SL (Interactive Travel Services Association)

Decided: April 12, 2012

Issued: April 17, 2012

Interactive Travel Services Association, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P28359," failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Interactive Travel Services Association in the amount of \$5,700.00 for its delinquent quarterly expense report for the third quarter of 2011.

To the extent it has not already done so, Interactive Travel Services Association is directed to pay the aforesaid administrative penalty in the amount of \$5,700.00 by way of certified check or money order in the amount of \$5,700.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 025-SL (Chestnut Hill Hospital [CHHS Hospital Company LLC d/b/a Chestnut Hill Hospital])

Decided: April 12, 2012

Issued: April 17, 2012

CHHS Hospital Company, LLC d/b/a Chestnut Hill Hospital, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P03817," failed to timely file quarterly expense reports with the Department of State for the second and third quarters of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against CHHS Hospital Company, LLC d/b/a Chestnut Hill Hospital in the amount of \$9,135.00 for its delinquent quarterly expense reports for the second and third quarters of 2011.

To the extent it has not already done so, CHHS Hospital Company, LLC d/b/a Chestnut Hill Hospital is directed to pay the aforesaid administrative penalty in the amount of \$9,135.00 by way of certified check or money order in the amount of \$9,135.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 026-SL (MTR Gaming Group)

Decided: April 12, 2012

Issued: April 17, 2012

MTR Gaming Group, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P01225," negligently failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against MTR Gaming Group in the amount of \$3,937.00 for its delinquent quarterly expense report for the third quarter of 2011.

MTR Gaming Group is directed to pay the aforesaid administrative penalty in the amount of \$3,937.00 by way of certified check or money order in the amount of \$3,937.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 027-SL (Excel Pension Solutions)

Decided: April 12, 2012

Issued: April 17, 2012

Excel Pension Solutions, in its capacity as a principal registered with the Pennsylvania Department

of State ("Department of State") under principal registration number "P27191," negligently failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Excel Pension Solutions in the amount of \$3,990.00 for its delinquent quarterly expense report for the third quarter of 2011.

To the extent it has not already done so, Excel Pension Solutions is directed to pay the aforesaid administrative penalty in the amount of \$3,990.00 by way of certified check or money order in the amount of \$3,990.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 028-SL (Equaterra)

Decided: April 12, 2012

Issued: April 17, 2012

Equaterra, Inc. (now herein as Enterprise Sourcing Solutions, Inc. ("Equaterra")), in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P04820," failed to timely file quarterly expense reports with the Department of State for the second and third quarters of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Equaterra in the amount of \$1,800.00 for its delinquent quarterly expense reports for the second and third quarters of 2011.

To the extent it has not already done so, Equaterra is directed to pay the aforesaid administrative penalty in the amount of \$1,800.00 by way of certified check or money order in the amount of \$1,800.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 029-SL (Friends Hospital)

Decided: April 12, 2012

Issued: April 17, 2012

Friends Hospital, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P06491," failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Friends Hospital in the amount of \$3,990.00 for its delinquent quarterly expense report for the third quarter of 2011.

To the extent it has not already done so, Friends Hospital is directed to pay the aforesaid administrative penalty in the amount of \$3,990.00 by way of certified check or money order in the amount of \$3,990.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 030-SL (Keystone Progress)

Decided: April 12, 2012

Issued: April 17, 2012

Keystone Progress, in its capacity as a principal registered with the Pennsylvania Department of State ("Department of State") under principal registration number "P22360," failed to timely file a quarterly expense report with the Department of State for the third quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law ("Lobbying Disclosure Law"), 65 Pa.C.S. § 13A05.

The transgression(s) of the Lobbying Disclosure Law outlined immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Keystone Progress in the amount of \$3,990.00 for its delinquent quarterly expense report for the third quarter of 2011.

To the extent it has not already done so, Keystone Progress is directed to pay the aforesaid administrative penalty in the amount of \$3,990.00 by way of certified check or money order in the amount of \$3,990.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 031-SL (WTF, Inc.)
Decided: September 24, 2012
Issued: October 16, 2012

WTF, Inc., in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P00899," negligently failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against WTF, Inc. in the amount of \$3,920.00 for its delinquent quarterly expense report for fourth quarter of 2011.

In that WTF, Inc. has already made payment of the aforesaid administrative penalty in the amount of \$3,920.00 in accordance with the Consent Agreement of the parties, and has now filed a quarterly expense report for the fourth quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 032-SL (Joint Ammunition and Technology, Inc.)
Decided: September 24, 2012
Issued: October 16, 2012

Joint Ammunition and Technology, Inc., in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P27452," failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure Law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Joint Ammunition and Tech-

nology, Inc., in the amount of \$1,600.00 for its delinquent quarterly expense report for the fourth quarter of 2011.

To the extent it has not already done so, Joint Ammunition and Technology, Inc. is directed to pay the aforesaid administrative penalty in the amount of \$1,600.00 by way of certified check or money order in the amount of \$1,600.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Joint Ammunition and Technology, Inc. is further directed to file a Notice of Termination of its principal registration with the Department of State by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Per the Consent Agreement of the parties, Joint Ammunition and Technology, Inc. is directed to fulfill its agreement to refrain from any and all lobbying activities in Pennsylvania for three (3) years from the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 033-SL (Pittsburgh Film Office)
Decided: September 24, 2012
Issued: October 16, 2012

Pittsburgh Film Office, in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P15092," negligently failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Pittsburgh Film Office in the amount of \$3,360.00 for its delinquent quarterly expense report for the fourth quarter of 2011.

In that Pittsburgh Film Office has already made payment of the aforesaid administrative penalty in the amount of \$3,360.00 in accordance with the Consent Agreement of the parties, and has now filed a quarterly expense report for fourth quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 034-SL (Planned Parenthood Western PA)
Decided: September 24, 2012
Issued: October 16, 2012

Planned Parenthood Western PA, in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P14083," negligently failed to timely file a quarterly expense report with the Department of State for fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Planned Parenthood Western PA in the amount of \$3,920.00 for its delinquent quarterly expense report for the fourth quarter of 2011.

To the extent it has not already done so, Planned Parenthood Western PA is directed to pay the aforesaid administrative penalty in the amount of \$3,920.00 by way of certified check or money order in the amount of \$3,920.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 035-SL (Charter School Management, Inc.)
Decided: September 24, 2012
Issued: October 16, 2012

Charter School Management, Inc., in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P00788," negligently failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Charter School Management, Inc. in the amount of \$3,920.00 for its delinquent quarterly expense report for the fourth quarter of 2011.

In that Charter School Management, Inc. has already made payment of the aforesaid administrative penalty in the amount of \$3,920.00 in accordance with the Consent Agreement of the parties,

and has now filed a quarterly expense report for the fourth quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 036-SL (All State Development Company)
Decided: September 24, 2012
Issued: October 16, 2012

All State Development Company, in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P09385," negligently failed to timely file a quarterly expense report with the Department of State for fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against All State Development Company in the amount of \$3,360.00 for its delinquent quarterly expense report for fourth quarter of 2011.

To the extent it has not paid the full amount of the aforesaid administrative penalty in the amount of \$3,360.00, All State Development Company is directed to pay the remaining balance of such administrative penalty by way of certified check or money order payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 037-SL (Orion Land Services, Inc.)
Decided: September 24, 2012
Issued: October 16, 2012

Orion Land Services, Inc., in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P08735," negligently failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Orion Land Services, Inc. in the amount of \$3,360.00 for its delinquent quarterly

expense report for the fourth quarter of 2011.

To the extent it has not already done so, Orion Land Services, Inc. is directed to pay the aforesaid administrative penalty in the amount of \$3,360.00 by way of certified check or money order in the amount of \$3,360.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Order No. 038-SL (Washington Advocacy Group on Behalf of Charter School Management)

Decided: September 24, 2012

Issued: October 17, 2012

Washington Advocacy Group on Behalf of Charter School Management, in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P26544," negligently failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against Washington Advocacy Group on Behalf of Charter School Management in the amount of \$3,920.00 for its delinquent quarterly expense report for the fourth quarter of 2011.

In that Washington Advocacy Group on Behalf of Charter School Management has already made payment of the aforesaid administrative penalty in the amount of \$3,920.00 in accordance with the Con-

sent Agreement of the parties, and has now filed a quarterly expense report for the fourth quarter of 2011, no further action is required in this case, and this case is closed.

Order No. 039-SL South Fayette Township

Decided: September 24, 2012

Issued: October 17, 2012

South Fayette Township, in its capacity as a principal registered with the Pennsylvania Department of State under principal registration number "P23744," negligently failed to timely file a quarterly expense report with the Department of State for the fourth quarter of 2011 as required by Section 13A05 of Pennsylvania's lobbying disclosure law, 65 Pa.C.S. §13A05.

The transgression(s) of the Lobbying Disclosure Law outlined in paragraph 1 immediately above are deemed to be negligent in nature.

The Commission hereby levies one administrative penalty against South Fayette Township in the amount of \$1,600.00 for its delinquent quarterly expense report for the fourth quarter of 2011.

To the extent it has not already done so, South Fayette Township is directed to pay the aforesaid administrative penalty in the amount of \$1,600.00 by way of certified check or money order in the amount of \$1,600.00 payable to the Commonwealth of Pennsylvania and forwarded to the Pennsylvania State Ethics Commission by no later than the thirtieth (30th) day after the mailing date of the Commission's Order.

Noncompliance will result in the institution of an order enforcement action.

Pennsylvania Race Horse Development and Gaming Act

Pursuant to the Pennsylvania Race Horse Development and Gaming Act ("Gaming Act"), 4 Pa.C.S. § 1101 et seq., the Commission has responsibilities for:

(1) Biennially publishing a list of all state, county, municipal, and other government positions meeting the definitions of the terms "public official" set forth in Section 1512(b) of the Gaming Act or "executive-level public employee" set forth in Section 1103 of the Gaming Act, for the purpose of enabling the identification of persons who would be subject to certain prohibitions of Section 1512 of the Gaming Act;

(2) Biennially publishing a list of all positions

of employment with the Gaming Control Board or with independent contractors to the Board that are subject to the "revolving door/post termination" restrictions of Sections 1201(h)(13) and (13.1) of the Gaming Act;

(3) Biennially publishing a list of all positions within the Pennsylvania State Police, the Office of Attorney General, and the Pennsylvania Department of Revenue that are subject to the "revolving door/post-termination" restrictions of Section 1512.1(a) of the Gaming Act;

(4) Making a determination, upon request, as to whether a particular individual/person would be subject to various prohibitions or "revolving door/

post-termination” restrictions within the Gaming Act (see, 4 Pa.C.S. §§ 1201(h)(14), 1512 (a.5)(1), 1512.1(e)(1)); and

(5) Determining whether to extend deadlines by which executive level public employees, public officials, party officers, or their immediate family members would be required to divest themselves of financial interests that they would be prohibited from holding under Section 1512 of the Gaming Act.

GAMING ACT DETERMINATIONS

From January 1, 2012 through December 31, 2012, no Determinations under Sections 1201 (h) (13)-(14) of the Pennsylvania Race Horse Development and Gaming Act (“Gaming Act”), 4 Pa.C.S. §§ 1201 (h)(13)-(14) were issued by the Commission. Determinations under Sections 1201 (h)(13)-(14) of the Gaming Act are public records.

Paper copies of Commission determinations are available at cost from the Commission or free of charge via the Commission’s “e-Library,” which may be accessed via the Commission’s Web site at www.ethics.state.pa.us.

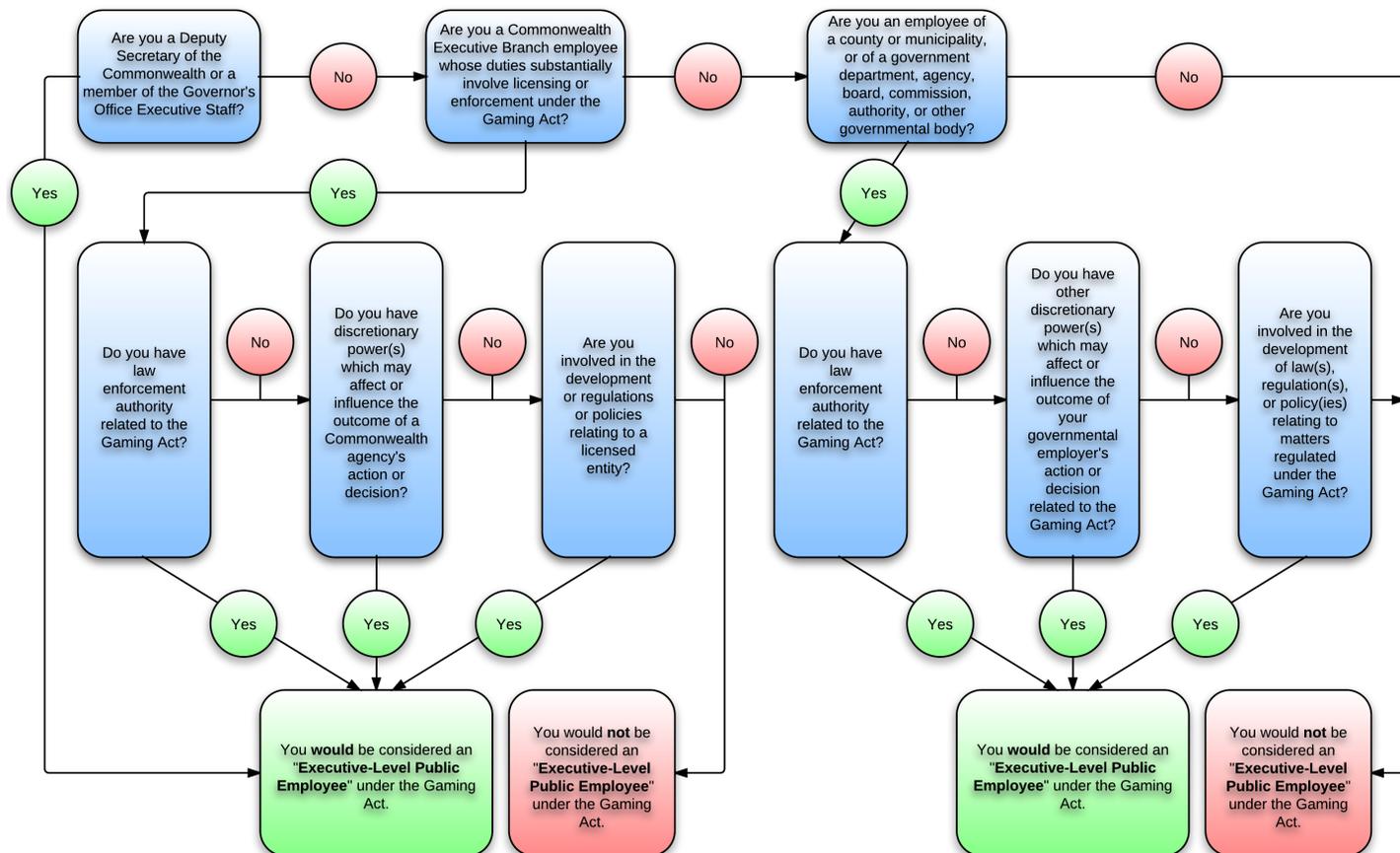
GAMING LISTS

Lists developed by the Commission pursuant to the Gaming Act are published biennially in the Pennsylvania Bulletin, and they are also accessible via the Commission’s Website within its e-Library at www.ethics.state.pa.us and via the Pennsylvania Gaming Control Board’s Website at www.pgcb.state.pa.us, which features a link to the Commission’s e-Library.

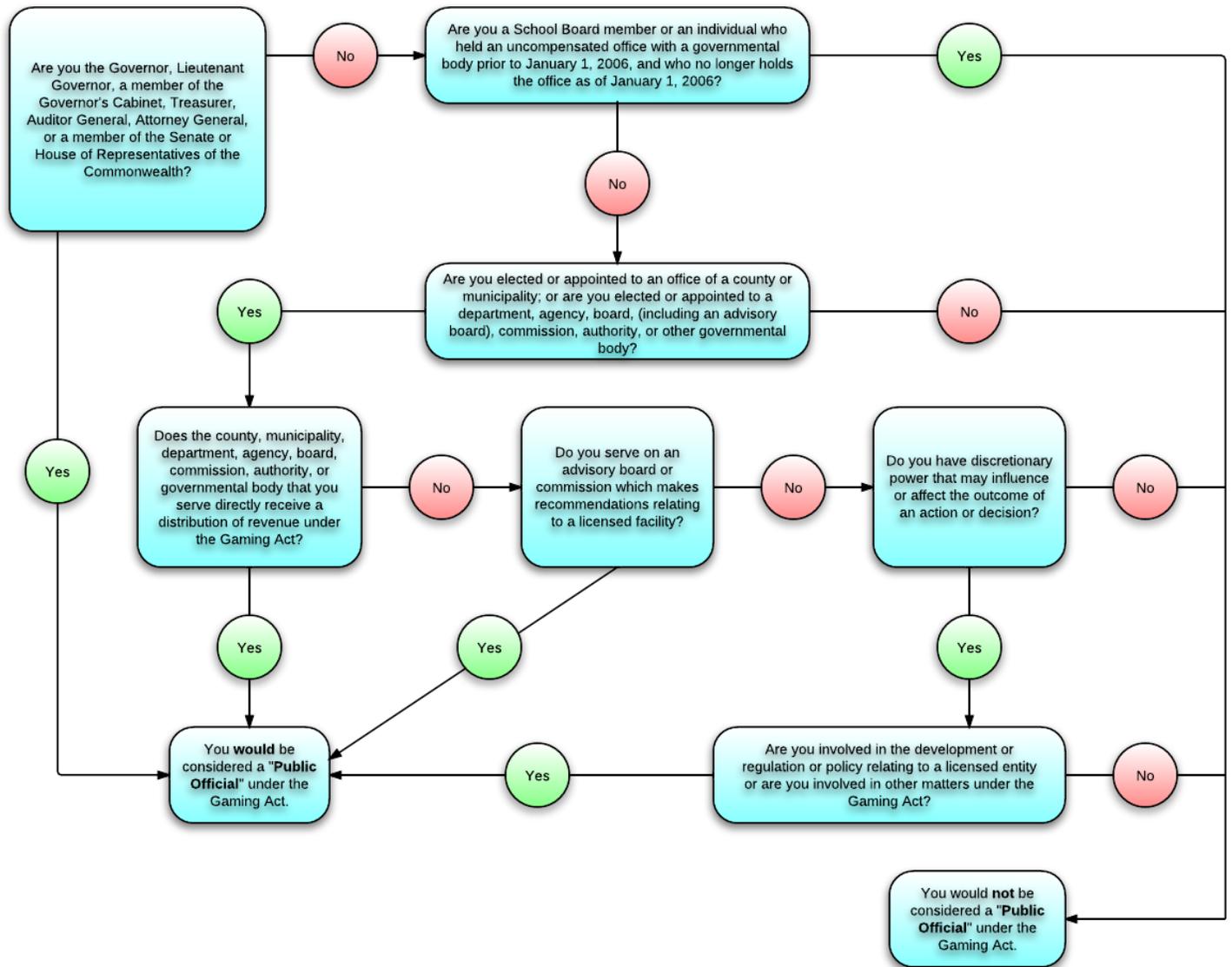
STATUS AS AN EXECUTIVE-LEVEL PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

The term “executive-level public employee” is defined in Section 1103 of the Gaming Act. The term “public official” is defined in Section 1512(b) of the Gaming Act.

The following flow chart outlines questions used during 2012 to determine whether an individual would be considered an “executive level public employee” under the Gaming Act:



The following flow chart outlines questions used during 2012 to determine whether an individual would be considered a “public official” under the Gaming Act:



COGEL: Council on Governmental Ethics Laws

The Commission has continued to be active in the activities of the Council on Governmental Ethics Laws (COGEL). COGEL is an international professional association of agencies, organizations, and individuals with duties and responsibilities relating to conflicts of interest, lobbying registration and reporting, campaign finance reporting and administration, election, and freedom of information laws. More information on the Council on Government Ethics Laws may be found at www.COGEL.org.

Public Outreach and Training

The Ethics Commission strives to fulfill its educational role by providing guidance to public officials and public employees regarding their responsibilities under the Public Official and Employee Ethics Act. The Commission believes that it is important for government officials to always remember that they have been entrusted to serve in the public's best interest. As such, public officials and employees must keep abreast of their duties and responsibilities under the Ethics Act.

To reach out to more public officials across the state regarding their duties and responsibilities under the Ethics Act, and to augment the appearances and presentations made at annual events, the Commission expanded its already active educational outreach and training program. To facilitate this endeavor, the Commission partnered with organizations such as the PA State Boroughs Association, the PA State Association of Township Supervisors, the PA Commission on Crime and Delinquency, the Department of Community and Economic Development Center for Local Government Services, the State Association of County Commissioners, the PA League of Cities, the PA County Controllers Association, and the Local Government Academy. Meetings were held with representatives of these organizations in order to plan future ethics training sessions that would be geared towards a variety of local public officials such as Borough Managers and Council members, Township Supervisors, Solicitors, Municipal Authority members, Mayors, Controllors, Commissioners, and Tax Collectors. Typical topics covered during Commission presentations include how to avoid conflicts of interest, financial disclosure, restricted activities, jurisdiction, the intent of the Ethics Act and relevant advisory opinions.

During calendar year 2012, 27 presentations were made. Topics included General Ethics Training; Speaker Hold Workshop for Elected Auditors; Newly Elected Public Officials; Ethics for Public Officials, General Ethics Training – “Nuts and Bolts;” Ethics for Local Government Officials and a Review of the Kistler Decision; The Ethics Act and You; Top 10 Kinds of Complaints or Violations Regarding School Officials; Annual Municipal Legal Update; Ethics Exhibit; The Ethics Act – Basic Primer; The Ethics Act – Legal Considerations; and The Role of the State Ethics Commission. Organizations sponsoring presentations included the PA Association of Conservation Districts (PACD); Community College of Philadelphia, Board of Directors; Pennsylvania School Boards (PSBA); Perry County Association of Township Officials; 2012 Pennsylvania Municipal Authorities Association (PMAA) Board Member Training; Local Government Academy; Housing Authority of the County of Armstrong; Pennsyl-

vania Association of Housing & Redevelopment Agencies (PAHRA); ECATO – Township Association; Pennsylvania League of Cities and Municipalities (PLCM); Association for PA Municipal Management (APMM); Government Finance Officers Association of Pennsylvania (GFOA-PA); Pennsylvania Association of Borough Officials; Conservation District Management Summit XII; Pennsylvania Association of Township Commissioners (PSATC); Pennsylvania School Boards Association (PSBA); Certified Government CIO Program (CGCIO); Pennsylvania State Association of County Controllers (PSACC); PA Association of Municipal Administrators' 53rd Annual Conference; Pennsylvania Chapter of the American Planning Association 2012 Annual Conference; Certified Fraud Examiners (Harrisburg Chapter); Chester County Bar Association – Inn of Courts; Central Pennsylvania Chapter of the Association of Government Accountants (AGA); Pennsylvania State Association of Township Supervisors (PSATS) – Solicitors' Seminar; Harrisburg University – CGCIO Program – Information Technology Leaders Program.

PUBLIC INFORMATION

ETHICS COMMISSION WEB SITE:

<http://www.ethics.state.pa.us>

THE FOLLOWING INFORMATION IS AVAILABLE ONLINE:

- Who is covered by the Ethics Act
- Restricted activities
- Publications
- Regulations
- Filing a Statement of Financial Interests
- Filing a Complaint
- Requesting an Opinion
- Commissioners
- Ethics Staff
- e-Library containing rulings and Statements of Financial Interests
- Statement of Financial Interests (Form)
- Complaint (Form)

PAMPHLETS AND GUIDES:

- Guide to the Pennsylvania Public Official and Employee Ethics Act
- Consolidated Rulings Digest 1979-1987
- Consolidated Rulings Digest 1988-1991
- Annual Report
- e-Library Pamphlets

STATEMENT OF FINANCIAL INTERESTS FILINGS:

All Statements of Financial Interests forms filed with the Commission are available for public inspection and copying. There is a charge of 25 cents per page for copies.

Statements of Financial Interests are also available for public inspection via the Commission's Web site at www.ethics.state.pa.us.

COMMISSION DECISIONS:

Commission decisions, (orders, opinions, and advice of counsel) are available at the offices of the State Ethics Commission and may also be available at county law and public libraries and via the Com-

mission's Web site at www.ethics.state.pa.us.

Opinions and Advices are issued to public officials and public employees at their request.

Orders are issued at the conclusion of an investigation and contain allegations, findings, discussion of the findings, and the conclusion of the Commission.

The Commission may require payment for a large quantity of pamphlets or decisions.

Ethics and the Right-to-Know Law

During calendar year 2012, the Commission received and responded to 33 requests for documents. Since December 26, 2002, through the end of calendar year 2012, a total of 348 requests have been received and responded to. The most common request received is for Statements of Financial Interests.

THE NEW RIGHT-TO-KNOW LAW

The Right-to-Know Law, Act 3 of 2008, 65 P.S. § 67.101 *et seq.*, took effect January 1, 2009. The Commission's Web site includes information regarding the law and a link to the Commonwealth's Open Records Office (www.openrecords.state.pa.us). In addition, a specific e-mail address, ra-ethicsRTKL@state.pa.us, is on the Commission's

Web site for requests under the new Right-to-Know Law.

POLICIES OF THE PENNSYLVANIA STATE ETHICS COMMISSION UNDER THE PENNSYLVANIA RIGHT-TO-KNOW LAW

The Pennsylvania State Ethics Commission has established the following policies **effective January 1, 2009**, for providing access to public records of the Commission pursuant to the Pennsylvania Right-to-Know Law, Act 3 of 2008, 65 P.S. § 67.101 *et seq.*

Submission of requests for access: Written requests for access to public records of the Commission shall be submitted using either the form designated as SEC-5 or the request form developed by the Office of Open Records. Requests for access to public records of the Commission must sufficiently identify or describe the requested records so as to enable a determination of which records are being requested. Requests shall be submitted to the following Open-Records Officer at the Commission's Harrisburg Office:

Robert P. Caruso, Executive Director
Pennsylvania State Ethics Commission
309 Finance Building | P.O. Box 11470

Harrisburg, PA 17108-1470
Telephone: (717) 783-1610 or 1-800-932-0936
FAX: (717) 787-0806
E-mail: ra-ethicsRTKL@pa.gov

Written requests must be submitted in person, by mail, by e-mail, or by facsimile transmission (FAX). Written requests must provide the name and address of the person to whom the response is to be sent.

Fees for processing requests for access: The following fees shall apply to the provision of access to public records of the Commission:

- The fee(s) for duplication will be as established by the Office of Open Records.
- The fee for postage for mailing will be the actual cost of mailing. Prepayment of fees may be required at the discretion of the Executive Director.

CONTACT INFORMATION

For the Open-Records Officer of the Pennsylvania State Ethics Commission:

Robert P. Caruso, Executive Director
Pennsylvania State Ethics Commission
309 Finance Building | P.O. Box 11470
Harrisburg, PA 17108-1470
Telephone: (717) 783-1610 or 1-800-932-0936
FAX: (717) 787-0806
E-mail: RA-ethicsRTKL@pa.gov

For the Pennsylvania Office of Open Records:

PHYSICAL ADDRESS:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

MAILING ADDRESS:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
Telephone: 717-346-9903
Fax: 717-425-5343
E-mail: openrecords@pa.gov
Executive Director: Terry Mutchler