



**pennsylvania**  
STATE ETHICS COMMISSION

2017

# Annual Report

[www.ethics.pa.gov](http://www.ethics.pa.gov)



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# Introduction

In accordance with the provisions of the Public Official and Employee Ethics Act, the Pennsylvania State Ethics Commission is releasing its annual report for the year 2017.

The Pennsylvania Public Official and Employee Ethics Act (“Ethics Act”) was enacted in order to strengthen the faith and confidence of the people of the Commonwealth of Pennsylvania in their government. “Public office is a public trust” is the basic principle underlying the Commission’s mission. Further, the preamble of the Ethics Act provides that “any effort to realize a personal financial gain through public office other than compensation provided for by law is a violation of that trust.” As such, the citizens of the Commonwealth have a right to be assured that the financial interests of its public officials do not conflict with the public trust. To ensure the impartiality of public officials, the Ethics Act provides for certain restricted activities in which public officials and public employees cannot participate. The Ethics Act created the State Ethics Commission, an independent Commonwealth agency, composed of seven Members vested with the overall responsibility of administering and enforcing the provisions of the Ethics Act and providing guidance to public officials and public employees as it relates to their conduct under the Ethics Act.

The Ethics Act vests three (3) main functions in the Commission: (1) the Commission is authorized to administer and enforce financial disclosure requirements; (2) the Commission is mandated to provide advice and guidance in the form of written opinions to public officials and public employees (or their appointing authorities or employers) regarding their responsibilities and duties under the Ethics Act; and (3) the Commission has jurisdiction to investigate, either upon its own motion or upon the receipt of a sworn complaint, alleged violations of the Ethics Act. The Commission’s jurisdiction in all three (3) of these areas is uniform in its application to local, county and state level public officials and public employees. Enumerated throughout this annual report are the activities of the Commission which occurred during 2017.

In November 2006, with the passage of the Lobbying Disclosure Law (Act No. 134-2006), the Commission was vested with additional responsibilities relating to the activities of lobbyists and principals in the Commonwealth of Pennsylvania, which include the Commission issuing advisory opinions and conducting investigations and enforcement actions in relation to violations of the Lobbying Disclosure Law.

The Commission holds additional responsibilities pursuant to the Pennsylvania Racehorse Development and Gaming Act (“Gaming Act”) and Act 16 of 2016, known also as the Medical Marijuana Act. Under both, the Commission is charged with generating a public listing of all state, county, municipal and other government positions meeting the definitions of the terms “public official” or “executive-level public employee” as set forth in the Acts, as well as issuing “determinations” specific to the Gaming Act and the Medical Marijuana Act.

Also, in 2016, pursuant to Act 114 of 2016, the Commission was assigned additional responsibilities of publishing a list of all employment positions within the State Horse Racing Commission with duties that would subject those individuals to “revolving door/post-termination” restrictions, as well as making determinations whether individuals would be subject to the “revolving door/post-termination” restrictions.

In 2014 in order to better serve public officials/public employees and the public, the Commission began offering the ability to file Statements of Financial Interests electronically. In 2017 the Commission continued to expand the use of the online system for the filing of Statements of Financial Interests. Although the system was initially designed for state-level officials mandated by law to file with the Commission, numerous former Commonwealth employees and current Commonwealth employees who do not file with the Governor’s Office of Administration, as well as local level officials/employees, have elected to file using the Commission’s online system. However, a filer using the Commission’s online filing system must ensure that copy(ies) of the form are filed with all required filing location(s).

The preamble of the Ethics Act requires the Commission to encourage maximum compliance and administer the Act in a manner that emphasizes guidance to public officials and public employees regarding ethical standards. To that end, the Commission has increased the number of its training and educational programs to provide guidance to public officials and public employees at all levels of government on the requirements of the Ethics Act.

The Commission has also remained active in the Council on Governmental Ethics Laws (COGEL) (see page 24 *infra*). Commission staff members have served on various COGEL committees throughout the years and have also served as officers in the COGEL organization.

# Organization and Staffing

By October 2017, the Commission was comprised of seven (7) Members. Two (2) new Commissioners were appointed. Monique Myatt Galloway, Esquire, was appointed on September 27, 2017, by the Honorable Jay Costa, Minority Leader of the Pennsylvania Senate, to replace Commissioner Lewis. Michael A. Schwartz, Esquire, was appointed on October 12, 2017, by Governor Tom Wolf to fill the vacancy that had existed since 2015.

Note: On January 26, 2018, Shelley Y. Simms, Esquire, was appointed to the Commission by Governor Tom Wolf to replace Commissioner Maria Feeley, who served until January 25, 2018.

On January 9, 2017, Jessica Wenger was appointed to fill a vacant support position created by the retirement of a long-time Commission employee. On October 2, 2017, Jonathan Fry was appointed as Special Investigator to the Commission's Central Region office in Harrisburg, filling a vacant investigator position.

## COMMISSIONERS

The Ethics Act mandates that the Commission is to be comprised of seven (7) Commissioners. 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 each appoint one Member. Three Members are appointed by the Governor, two of whom may be of the same political party. Commission Members are appointed without confirmation.

## CURRENT COMMISSIONERS

Nicholas A. Colafella, Chairman  
Mark R. Corrigan, Vice Chairman  
Roger E. Nick  
Melanie F. DePalma  
Monique Myatt Galloway, Esquire  
Michael A. Schwartz, Esquire  
Shelley Y. Simms, Esquire

## COMMISSIONER BIOGRAPHIES



### NICHOLAS A. COLAFELLA, CHAIRMAN

Nicholas A. Colafella, Ph.D., was appointed as a Member of the State Ethics Commission on December 27, 2004. Dr. Colafella served as Vice Chairman of the Commission from January 28, 2013, until being elected Chairman of the Commission on January 16, 2015.

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 Continu-

ing 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 he was named Man of the Year in 1982 by the Upper Beaver Valley Jaycees.

Dr. Colafella has devoted substantial efforts toward 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 M.A. in Education from Duquesne University and his B.S. in Education from Youngstown State University.



### MARK R. CORRIGAN, VICE CHAIRMAN

Mark R. Corrigan, Esquire, was appointed as a Member of the State Ethics Commission on July 2, 2012, by Senator Joseph Scarnati, President pro tempore of the Senate. The Commission elected him Vice Chairman on March 6, 2015.

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 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 December 31, 2011.



### ROGER E. NICK, COMMISSIONER

Roger E. Nick was appointed as a Member of the State Ethics Commission on January 2, 2013, by then 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 Common-



wealth, 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 (1985 - 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 of 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.



**MARIA A. FEELEY, COMMISSIONER**  
(Served from April 2, 2014, to January 25, 2018)

Maria A. Feeley, Esquire, was appointed as a Member of the State Ethics Commission on April 2, 2014, by the Honorable Tom Corbett, then Governor of the Commonwealth of Pennsylvania.

Ms. Feeley is Chair of the Board of Trustees of Rosemont College, where she has served as an adjunct business law professor. She also serves as Vice President, General Counsel and Secretary of the University of Hartford.

Ms. Feeley was a partner with the law firm of Pepper Hamilton, LLP, resident in the Philadelphia office, where she was Chair of the firm's Women's Initiative; Vice Chair of the firm's Diversity Committee; a member of the firm's Hiring and Contributions Committees; and a senior consultant for Freeh Group International Solutions, LLC, a global risk management company former FBI Director Louis J. Freeh founded and Pepper Hamilton, LLP acquired.

Ms. Feeley has received numerous awards and appointments. In 2016, Philly Biz honored her as a "Top Business Attorney." Profiles in Diversity Journal included her among the 2012 honorees in its 10th Annual WomenWorthWatching® issue. The Legal Intelligencer and Pennsylvania Law Weekly named Ms. Feeley one of Pennsylvania's 25 Women of the Year in 2008. In 2008 the Philadelphia Bar Association presented her with the F. Sean Peretta Award. She is also a recipient of the Philadelphia Business Journal's "40 Under 40 award." American Lawyer Media named her one of Pennsylvania's "Lawyers on the Fast Track," and she has repeatedly been listed in the Pennsylvania edition of Super Lawyers Magazine as a Rising Star.

In 2011 Ms. Feeley was appointed to the Archbishop's Cabinet of the Archdiocese of Philadelphia, and since 2011, she has served on the Strategic Planning Committee for the Archdiocese of Philadelphia, Catholic Social Services, one of the largest private non-profit providers of social services in Southeastern Pennsylvania, benefiting more than 165,000 individuals annually. She was also selected to be a member of the Archdiocesan Professionals' Society. Ms. Feeley also served as a member and Chair of the Executive Board of the Stewards' Alliance, an organization dedicated to supporting the special needs schools of the Archdiocese of Philadelphia.

Since 2008 she has served as the Philadelphia liaison to the American Bar Association's Commission on Women in the Profession, a commission first chaired by Hillary Rodham Clinton. She is

also the Technology Vice Chair of the ABA Tort & Insurance Practice Section Dispute Resolution Committee.

Ms. Feeley has served as a Zone 1 Delegate to the Pennsylvania Bar Association House of Delegates and member of the Executive Council of the Association's Commission on Women in the Profession. She was elected to the Board of Governors of the 13,000-member Philadelphia Bar Association, appointed to the Association's Commission on Judicial Selection and Retention, and chaired the Association's Women in the Profession Committee, Annual Bench Bar and Continuing Legal Education Conference, Women's Rights Committee, Sandra Day O'Connor Award Committee, Justice Brennan Distinguished Jurist Award Committee, Drafting Committee for the Development of a Call to Action and Best Practices for the Retention and Promotion of Women Lawyers, and the First Women in the Profession Summit.

Ms. Feeley is an arbitrator for the Philadelphia County Court of Common Pleas and is often appointed to chair civil arbitration panels. She has also served as the Treasurer of the Lawyer's Club of Philadelphia and a member of the Young Women's Initiative Advisory Board of Women's Way, the country's oldest and largest women's funding federation.

Ms. Feeley obtained her J.D. from Washington and Lee University School of Law, where she is one of 24-elected members of the Law Council. While there, she served as senior articles editor, as well as a case note author, for the Washington and Lee Journal of Civil Rights and Social Justice f/k/a Race and Ethnic Ancestry Law Digest. She was also a National Moot Court quarterfinalist and a John W. Davis Moot Court semifinalist, resulting in an appointment to the National Moot Court Team.

Ms. Feeley obtained her B.A., cum laude, in Mathematics and History from Rosemont College



**MELANIE F. DEPALMA, COMMISSIONER**

Melanie F. DePalma was appointed as a Member of the State Ethics Commission on January 14, 2015, by the Honorable Tom Corbett, then Governor of the Commonwealth of Pennsylvania. Ms. DePalma is a native of the Harrisburg area and a graduate of the Pennsylvania State University, Capital College. She earned a B.S. degree, with distinction, in Public Policy.

Over the course of her career, Ms. DePalma held positions in both the private and public sectors before retiring from the Commonwealth of Pennsylvania in 2014. Most recently, Ms. DePalma served in the Pennsylvania Office of Administration as Director of the Bureau of State Employment from 2011 to 2014. Prior to this, Ms. DePalma was appointed by the Honorable Tom Corbett as Deputy Director in the Governor's office of Public Liaison. Ms. DePalma was employed as a Legislative Liaison in the Pennsylvania Office of the Attorney General from 1997 to 2011 serving Attorneys General Fisher, Pappert and Corbett respectively. Ms. DePalma was employed by the Government Affairs Division of the Westinghouse Electric Corporation from 1986 to 1996, serving as a Legislative Analyst and registered lobbyist for the Corporation from 1992 to 1996. Prior to spending

several years at home raising her children, Ms. DePalma was also employed by the Pennsylvania House of Representatives from 1974 to 1979.



**MONIQUE MYATT GALLOWAY,  
COMMISSIONER**

Monique Myatt Galloway, Esquire, was appointed as a Member of the State Ethics Commission on September 27, 2017, by the Honorable Jay Costa, Minority Leader of the Pennsylvania Senate.

Ms. Galloway is Regional Counsel with the Federal Transit Administration (FTA) for Region III located in Philadelphia, Pennsylvania, where she is responsible for advising the Region's leadership and staff on all legal matters impacting the region, including procurement, grants, environmental, labor, ethics and litigation.

Ms. Galloway is a former federal judicial law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania.

Ms. Galloway began her legal career as a trial attorney with the Department of the Navy, Office of General Counsel in Washington, D.C., and later as an associate at a global defense law firm in Philadelphia, Pennsylvania. Prior to joining FTA, Ms. Galloway was an attorney at a national class action law firm in Radnor, Pennsylvania, where she handled complex consumer protection and wage and hour cases throughout the United States.

Throughout her career, Ms. Galloway has remained devoted to the Bar and the community. In 2014 Ms. Galloway served as President of the Barristers' Association of Philadelphia, Inc., one of the largest affinity bar associations in Pennsylvania. Ms. Galloway is also a former Board Member of the Public Interest Law Center of Philadelphia.

Ms. Galloway has served on numerous committees, including the Philadelphia Bar Association's Commission on Judicial Selection and Retention and the Bylaws Committee, as well as the Third Circuit Lawyers Advisory Committee. Currently, Ms. Galloway serves as an Advisory Board Member to the Public Interest Law Center of Philadelphia and the Barristers' Association of Philadelphia, Inc.

Ms. Galloway has received numerous legal and professional awards. In 2014 The Legal Intelligencer selected Ms. Galloway as a "Lawyer on the Fast Track," and The Philadelphia Tribune honored Ms. Galloway as one of Philadelphia's Most Influential African Americans. Ms. Galloway was also included in the 2014 "Lawyers of Color Hot List" for the Eastern Region. In 2012 Ms. Galloway was awarded the President's Award by the Barristers' Association of Philadelphia, Inc. for exemplary service to the organization and the community.

From 2013 through 2017 consecutively, Ms. Galloway was listed in the Pennsylvania edition of the Super Lawyers Magazine® as a Rising Star, an honor given to the top 2.5 percent of attorneys in the state who are 40-years old or younger.

Ms. Galloway received her J.D., cum laude, in 2003 from Thurgood Marshall School of Law, where she was Managing Editor of the Thurgood Marshall Law Review. In 2008 Ms. Galloway received her LL.M. in Trial Advocacy from Temple University, and received her B.B.A. in Accounting in 2000 from Texas Southern University.



**MICHAEL A. SCHWARTZ, COMMISSIONER**

Michael A. Schwartz, Esquire, was appointed to serve as a Member of the State Ethics Commission on October 12, 2017, by the Honorable Tom Wolf, Governor of the Commonwealth of Pennsylvania.

Mr. Schwartz is a partner and co-chair of the Litigation and Dispute Resolution Department of Pepper Hamilton, LLP, resident in the Philadelphia office. He also is the Chair of the firm's White Collar Litigation and Investigations Practice Group and a member of the Media and Communications Practice Group. Mr. Schwartz focuses his practice in the areas of criminal defense and counseling, internal corporate investigations, corporate compliance programs, corporate monitorships and First Amendment matters. Mr. Schwartz serves on the firm's Professional Responsibility Committee.

Before joining Pepper Hamilton, LLP in 2008, Mr. Schwartz headed the Corruption, Civil Rights, Labor and Tax Fraud unit of the U.S. Attorney's Office for the Eastern District of Pennsylvania. As an Assistant U.S. Attorney for approximately 14 years, he successfully prosecuted some of the region's highest-profile corruption cases, including the electronic surveillance investigation during former Philadelphia Mayor John F. Street's administration and the corruption prosecutions of former City Treasurer Corey Kemp and former City Councilman Richard Mariano.

Mr. Schwartz is a 1990 graduate of Yale Law School and a 1987 graduate of the Pennsylvania State University, where he earned his B.A. in Economics. Mr. Schwartz served as a law clerk for the Honorable Edmund V. Ludwig, United States District Court for the Eastern District of Pennsylvania, taught trial advocacy and corruption law and policy at Temple Law School, and guest lectured at Temple Law School, University of Pennsylvania Law School, Rutgers School of Law, and Drexel School of Law.



**SHELLEY Y. SIMMS, COMMISSIONER**

Shelley Y. Simms, Esquire, was appointed as a Member of the State Ethics Commission on January 26, 2018, by the Honorable Tom Wolf, Governor of the Commonwealth of Pennsylvania.

Ms. Simms is General Counsel and Chief Compliance Officer of FIS Group, a registered investment advisor that provides customized manager of managers investment solutions for institutional investors. Ms. Simms has oversight responsibility for the legal and compliance matters at FIS Group and is a member of the firm's Enterprise Risk Management, Senior Management and Investment Committees.

Prior to joining FIS Group in 2004, Ms. Simms was independent counsel to ARAMARK Corporation, and she previously held legal positions at Comcast Corporation and Ballard Spahr, LLP. Additionally, she served as law clerk to the Honorable Theodore A. McKee, United States Court of Appeals for the Third Circuit.

Ms. Simms is a former Board Member of the Hospitals and Higher Education Facilities Authority of Philadelphia, the Russell Byers Charter School, and Operation Understanding.

Ms. Simms is a recipient of the Philadelphia Business Journal Corporate Counsel Award, the Urban League of Philadelphia Whitney M. Young Service Award and the City of Philadelphia Mayoral Liberty Bell Award.

Ms. Simms received her J.D. from Harvard Law School in 1993, where she was a Supervising Editor of the Harvard Law Review. She

is a 1990 graduate of Brown University, where she earned her B.A., with departmental honors, in English/American Literature and Bio-Medical Ethics. Ms. Simms has bar admissions in Pennsylvania and New Jersey.

## STAFF

### EXECUTIVE DIVISION

Robert P. Caruso, Executive Director

Brian D. Jacisin, Deputy Executive Director/Director of Investigations

Joyce E. Tomasko, Executive Secretary

### OFFICE OF CHIEF COUNSEL

Robin M. Hittie, Chief Counsel

Martin W. Harter, Senior Assistant Counsel

Esther Estelle, Legal Assistant

### ADMINISTRATIVE DIVISION

Leticia Powell, Director for Administration

Sean M. Firestine, Information Technology Manager

Stanley G. Weaver, Clerk Typist

Jessica Wenger, Clerk Typist

### INVESTIGATIVE DIVISION (HEADQUARTERS)

Jeffery S. Frankenburger, Assistant Counsel

Daniel M. Bender, Senior Special Investigator

Gregory Curran, Senior Special Investigator

Jonathan Fry, Special Investigator

Heather L. Mulhollan, Secretarial Support

### INVESTIGATIVE DIVISION (WESTERN REGIONAL OFFICE)

Jason P. Bricker, Regional Supervising Investigator

Daniel 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 its 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; or
5. Be employed by the Commonwealth or a political subdivision in any other capacity whether or not for compensation.

Additionally, 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, which is set forth in the Commission's Regulations, at 51 Pa. Code § 11.1, et seq.



## Contact Information

### FOR THE PENNSYLVANIA STATE ETHICS COMMISSION:

#### ADDRESS/HOURS OF OPERATION:

Pennsylvania State Ethics Commission

Finance Building

613 North Street, Room 309

Harrisburg, PA 17120-0400

Office Hours: Monday – Friday, 8:00 a.m. – 5:00 p.m.

Telephone: (717) 783-1610

Fax: (717) 787-0806

Toll free: (800) 932-0936

Website: [www.ethics.pa.gov](http://www.ethics.pa.gov)

E-mail address: [ethics@pa.gov](mailto:ethics@pa.gov)

**Note: As of December 1, 2017, the Commission no longer utilizes a Post Office Box. The new mailing address is that listed above.**

#### PITTSBURGH REGIONAL OFFICE:

Pennsylvania State Ethics Commission

1 Forestwood Drive, Suite 102

Pittsburgh, PA 15237

Telephone: (412) 635-2816

Fax: (412) 635-2818

### OPEN-RECORDS OFFICER:

Robert P. Caruso, Executive Director

Pennsylvania State Ethics Commission

Finance Building

613 North Street, Room 309

Harrisburg, PA 17120-0400

Telephone: (717) 783-1610

Toll free: (800) 932-0936

Fax: (717) 787-0806

E-mail: [RA-ethicsRTKL@pa.gov](mailto:RA-ethicsRTKL@pa.gov)

### COMMONWEALTH OF PENNSYLVANIA OFFICE OF OPEN RECORDS:

Commonwealth of Pennsylvania

Office of Open Records

333 Market Street, 16th Floor

Harrisburg, PA 17101-2234

Telephone: (717) 346-9903

Fax: (717) 425-5343

E-mail: [openrecords@pa.gov](mailto:openrecords@pa.gov)

Web page: [www.openrecords.pa.gov](http://www.openrecords.pa.gov)

Executive Director: Erik Arneson

## Public Information

### ETHICS COMMISSION WEBSITE

[www.ethics.pa.gov](http://www.ethics.pa.gov)

### ETHICS COMMISSION E-LIBRARY

[www.ethicsrulings.state.pa.us](http://www.ethicsrulings.state.pa.us)

### STATEMENTS OF FINANCIAL INTERESTS FILINGS:

All Statement 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 paper copies.

Statements of Financial Interests filed with the Commission are also available for public inspection in the Commission's e-Library, which may be accessed via the Commission's website at

[www.ethics.pa.gov](http://www.ethics.pa.gov).

For calendar year 2017, the Commission's online Statement of Financial Interests filing system continued to gain popularity with county and local public officials, candidates, former public officials and employees, and public employees not required to file with the Governor's Office of Administration.

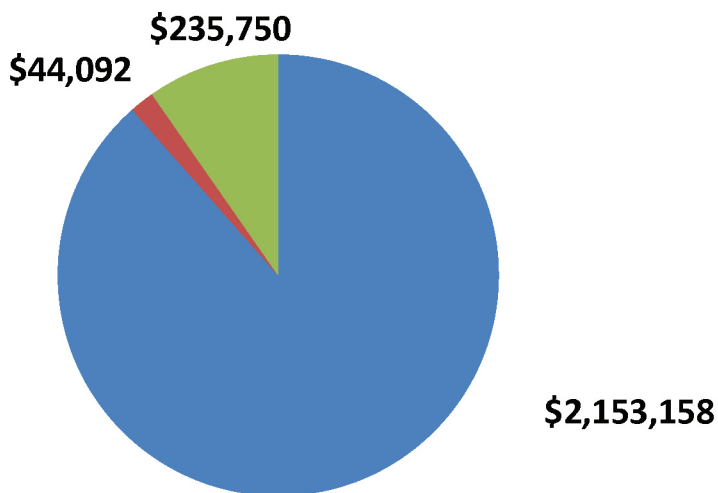
### COMMISSION DECISIONS:

Commission decisions (Orders, Opinions, Advices of Counsel, and Determinations) are available at the offices of the Commission and may also be available at county law and public libraries and at the Commission's e-Library, which may be accessed via the Commission's website at [www.ethics.pa.gov](http://www.ethics.pa.gov).

# Budget

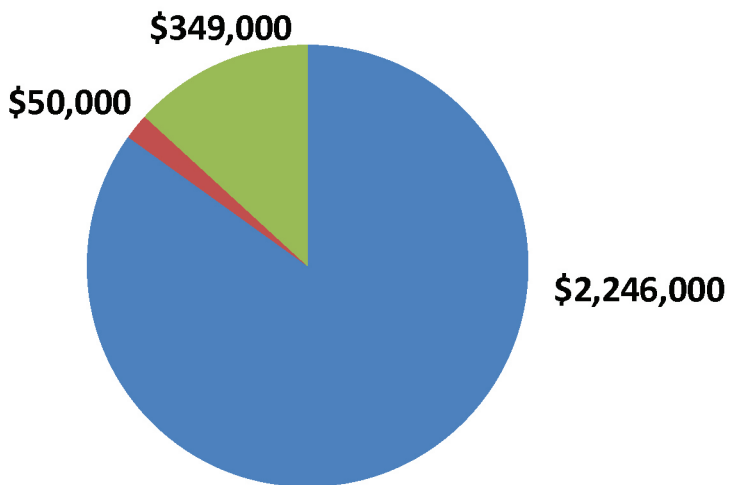
## TWO-YEAR BUDGET ANALYSIS APPROPRIATION 2016–2017

Employee salaries/benefits . . . . .	\$2,153,158
Miscellaneous personnel services. . . . .	\$44,092
Agency operations. . . . .	\$235,750
Total . . . . .	\$2,433,000



## APPROPRIATION 2017–2018

Employee salaries/benefits . . . . .	\$2,246,000
Miscellaneous personnel services. . . . .	\$50,000
Agency operations. . . . .	\$349,000
Total . . . . .	\$2,645,000



## Powers and Duties

The powers and duties of the Commission under the Ethics Act include:

- Issuing prospective advisory opinions regarding an individual's duties and responsibilities under the Ethics Act.
- Receiving and reviewing Statements of Financial Interests filed pursuant to the Ethics Act.
- Investigating alleged violations of the Ethics Act, holding hearings, and issuing decisions in relation to said investigations.
- Preparing and publishing an annual report, special reports, educational materials, and technical studies to further the purpose of the Ethics Act.
- Prescribing rules and regulations to implement the provisions of the Ethics Act (see, 51 Pa. Code § 11.1 et seq.).
- Holding at least two public hearings each year to seek input from persons and organizations which represent individuals subject to the Ethics Act.

## Restricted Activities

The Ethics Act restricts certain activities as detailed in Section 1103 of the Ethics Act.

Section 1103(a) of the Ethics Act restricts public officials and public employees from using the authority of the public position, or confidential information received by being in such position, for a prohibited private pecuniary benefit. The Ethics Act provides certain exceptions to the prohibition.

Sections 1103(b) and 1103(c) of the Ethics Act prohibit improper influence involving offering/giving or soliciting/accepting something of monetary value based on the understanding that the vote, official action, or judgment of a public official, public employee, nominee, or candidate for public office would be influenced thereby.

Section 1103(d) of the Ethics Act prohibits public officials and public employees from accepting an honorarium.

Section 1103(e) of the Ethics Act prohibits the solicitation or acceptance of a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment. The Ethics Act provides certain exceptions to the prohibition.

Where a public official/public employee, his spouse or child, or a business with which he, his spouse or child is associated, is otherwise appropriately contracting with the public official's/public employee's governmental body, or subcontracting with any person who has been awarded a contract with the governmental body, in

an amount of \$500.00 or more, Section 1103(f) of the Ethics Act requires that an "open and public process" be observed as to the contract with the governmental body. Section 1103(f) of the Ethics Act also provides that the public official/public employee may not have any supervisory or overall responsibility as to the implementation or administration of the contract with the governmental body.

Section 1103(g) of the Ethics Act prohibits a former public official/public employee from representing a person, with promised or actual compensation, before the governmental body with which he has been associated for one year after he leaves that body.

Section 1103(h) of the Ethics Act prohibits the use of information from Statements of Financial Interests for a commercial purpose.

Section 1103(i) of the Ethics Act provides that for two years following termination of employment with the Commonwealth of Pennsylvania, a former executive-level State employee may not be employed by, receive compensation from, assist or act in a representative capacity for a business that he actively participated in recruiting to the Commonwealth or that he actively participated in inducing to open or expand a plant, facility or branch in the Commonwealth, through a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to such business.

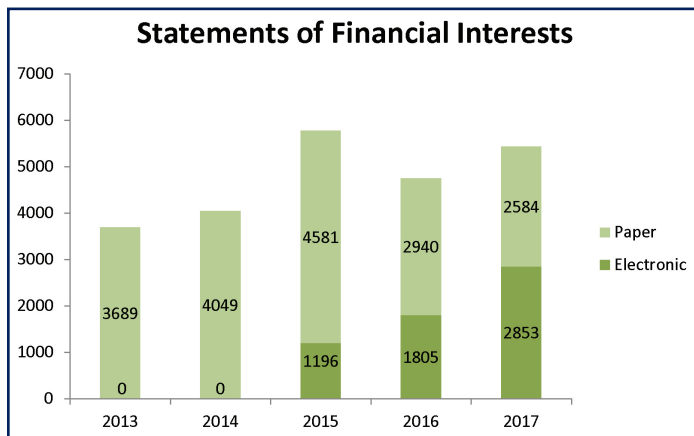
Section 1103(j) of the Ethics Act provides procedures to be used when voting conflicts occur.

# Financial Disclosure

Section 1104 of the Ethics Act (65 Pa.C.S. § 1104) requires that public officials, public employees, solicitors, nominees, 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, 2018, filing deadline for calendar year 2017, a total of 182,846 forms were distributed from December 2017 to mid-January 2018 to 6,990 state, county, and local government entities for distribution to public officials, public employees, and candidates required to comply with the Ethics Act. All filers are given the option to electronically file at the Commission's website in lieu of completing a paper form. However, a filer using the Commission's online filing system must ensure that copy(ies) of the form are filed with all required filing location(s).

For calendar year 2016 (filing year 2017), there were 5,437 individuals who filed Statements of Financial Interests with the Commission. Of those who filed, 2,853 (52%) filed electronically through the Commission's website, which is a 58% increase in electronic filings from the previous year. Direct filers with the Commission consisted of 359 candidates for public office; 1,316 constables and deputy constables; and 275 cabinet members and staff. An additional 2,067 direct filers included state officials, former state employees and members of state boards and commissions. Indirect filers totaled 1,420 and consisted of local government individuals who filed voluntarily with the Commission. Statements of Financial Interests filed with the Commission are public documents and are available online for public inspection in the e-library, which may be accessed via the Commission's website at [www.ethics.pa.gov](http://www.ethics.pa.gov).



## CIVIL PENALTIES

Those public officials/public employees, solicitors, nominees, and candidates for public office who are required to file Statements of Financial Interests pursuant to Section 1104 of the Ethics Act (65 Pa.C.S. § 1104) and have failed to do so or have filed deficient Statements of Financial Interests, may be subject to an assessment of a civil penalty as delineated in Section 1109(f) of the Ethics Act (65

Pa.C.S. § 1109(f)).

Pursuant to the Ethics Act (65 Pa.C.S. § 1101 et seq.), the Regulations of the Commission (51 Pa. Code § 11.1 et seq.), as well as the Policies and Procedures of the Commission, upon learning that an individual has either failed to file or has filed a deficient Statement of Financial Interests, the Commission must first notify the individual of such non-compliance. Warning Notice Letters are sent to an individual who has either not filed or filed a deficient Statement of Financial Interests. Each Warning Notice Letter affords the individual 20 days to cure the deficiency and/or delinquency without penalty. If the individual fails to file within the cure period(s), the Commission may levy a civil penalty of not more than \$25.00 per day up to a maximum of \$250.00 against the individual and order the filing of the Statement of Financial Interests.

Should an individual fail to comply with an Order of the Commission to either remit the assessed civil penalty and/or to file a Statement of Financial Interests, the Commission is authorized to pursue the matter in the Commonwealth Court of Pennsylvania for the purposes of enforcement of the Commission's Order.

For the calendar year 2016 filing, the Commission identified 465 current and/or former state-level public officials/public employees who failed to file Statements of Financial Interests by the May 1, 2017, deadline. Those 465 individuals received an initial or First Warning Notice Letter directing them to file the outstanding forms. Of those 465 individuals who were sent First Warning Notice Letters, 187 failed to cure their filings within the initial 20-day period, prompting the need for Second or Final Warning Notice Letters. As of calendar year-end 2017, 331 (71%) of the originally identified non-filing current or former state-level public officials/public employees had filed their Statements of Financial Interests.

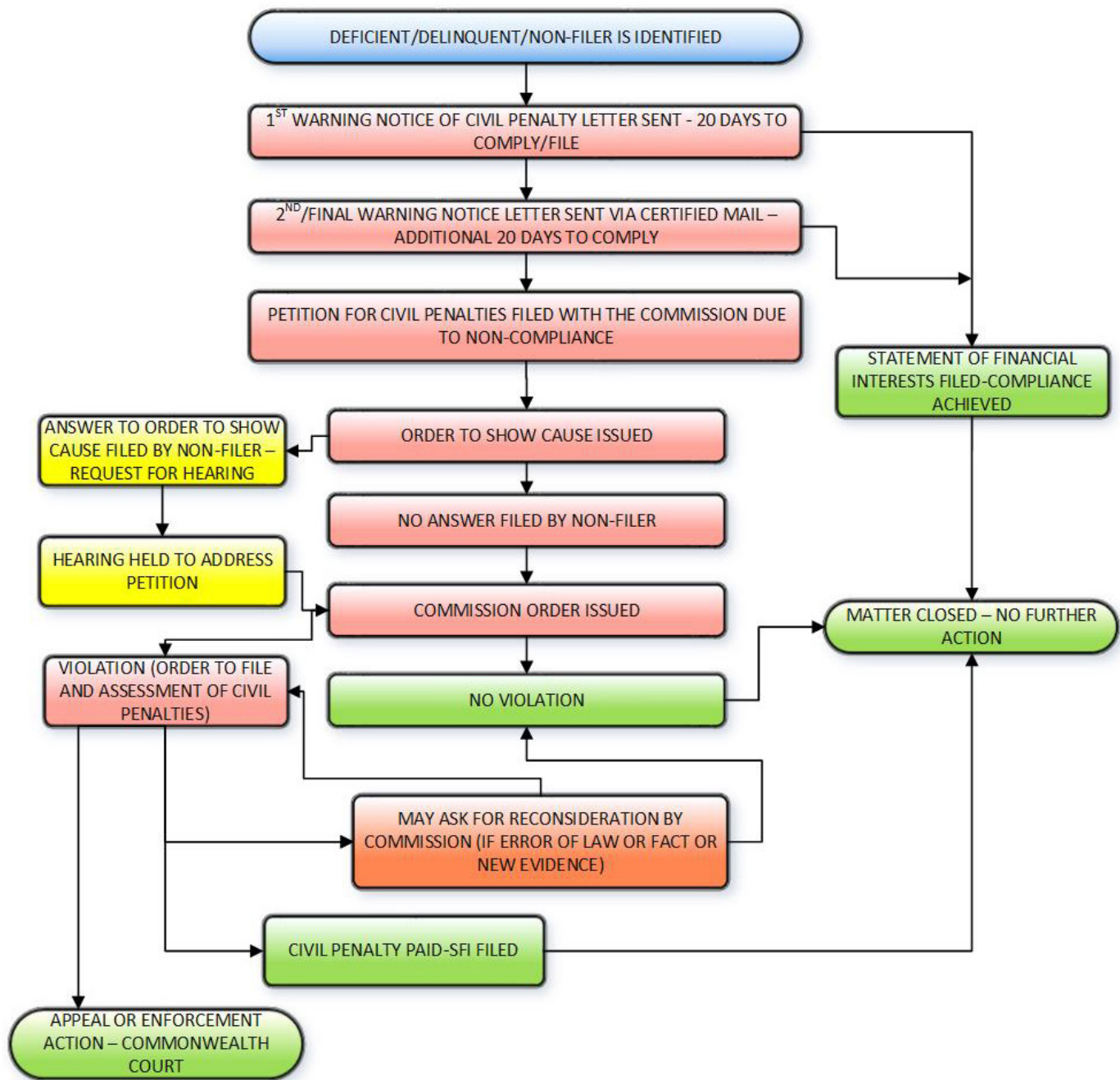
The Commission identified 131 Board and Commission members who failed to file Statements of Financial Interests for the calendar year 2016 filing. As of calendar year-end 2017, 126 (96%) of the originally identified non-filing Board and Commission members had filed their Statements of Financial Interests.

The Commission identified 364 constables/deputies who either failed to file and/or who filed deficient Statements of Financial Interests for the calendar year 2016 filing. Of the 364 constables/deputies who were sent First Warning Notice Letters, 125 failed to file/amend within the initial 20-day cure period, prompting the need for Second or Final Warning Notice Letters. As of calendar year-end 2017, 341 (94%) of the originally identified deficient/non-filing constables/deputies had filed their Statements of Financial Interests.

Compliance activities from other Investigative and Administrative Compliance Reviews, as well as from members of the public, resulted in identification of 556 delinquent and/or deficient filers, all of whom were sent First Warning Notice Letters followed by 34 who were sent Second/Final Warning Notice Letters. As of year-end 2017, 524 (95%) of those identified individuals have filed corrected/amended Statements of Financial Interests.

During calendar year 2017, the Commission issued a total of forty-eight (48) Orders ruling on Petitions for Civil Penalties against public officials/public employees who failed to file/correct delinquent/deficient Statements of Financial Interests.

## NOTICE OF NON-COMPLIANCE FLOWCHART



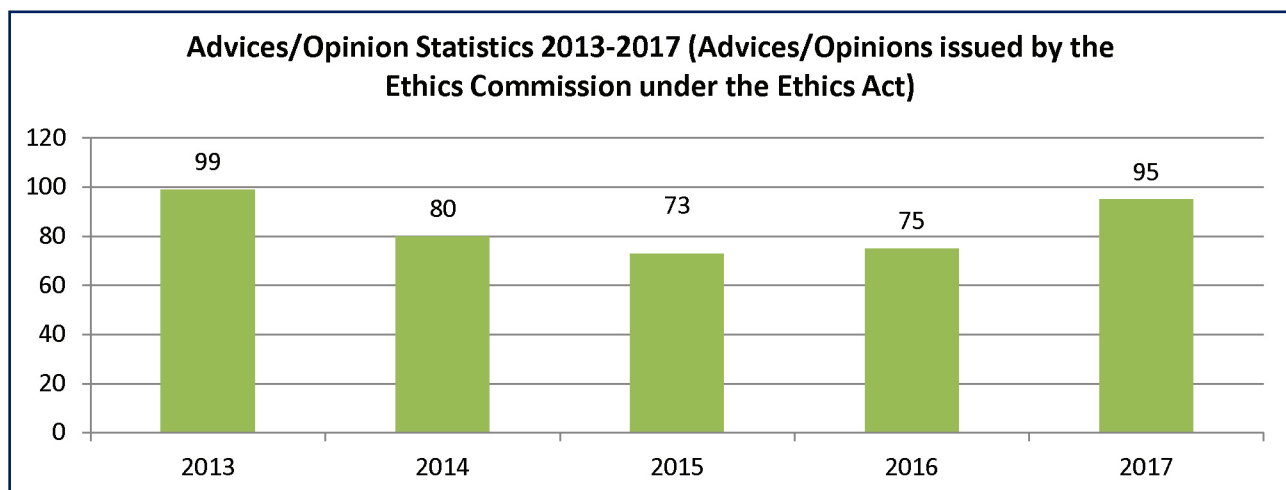


## Opinions and Advices

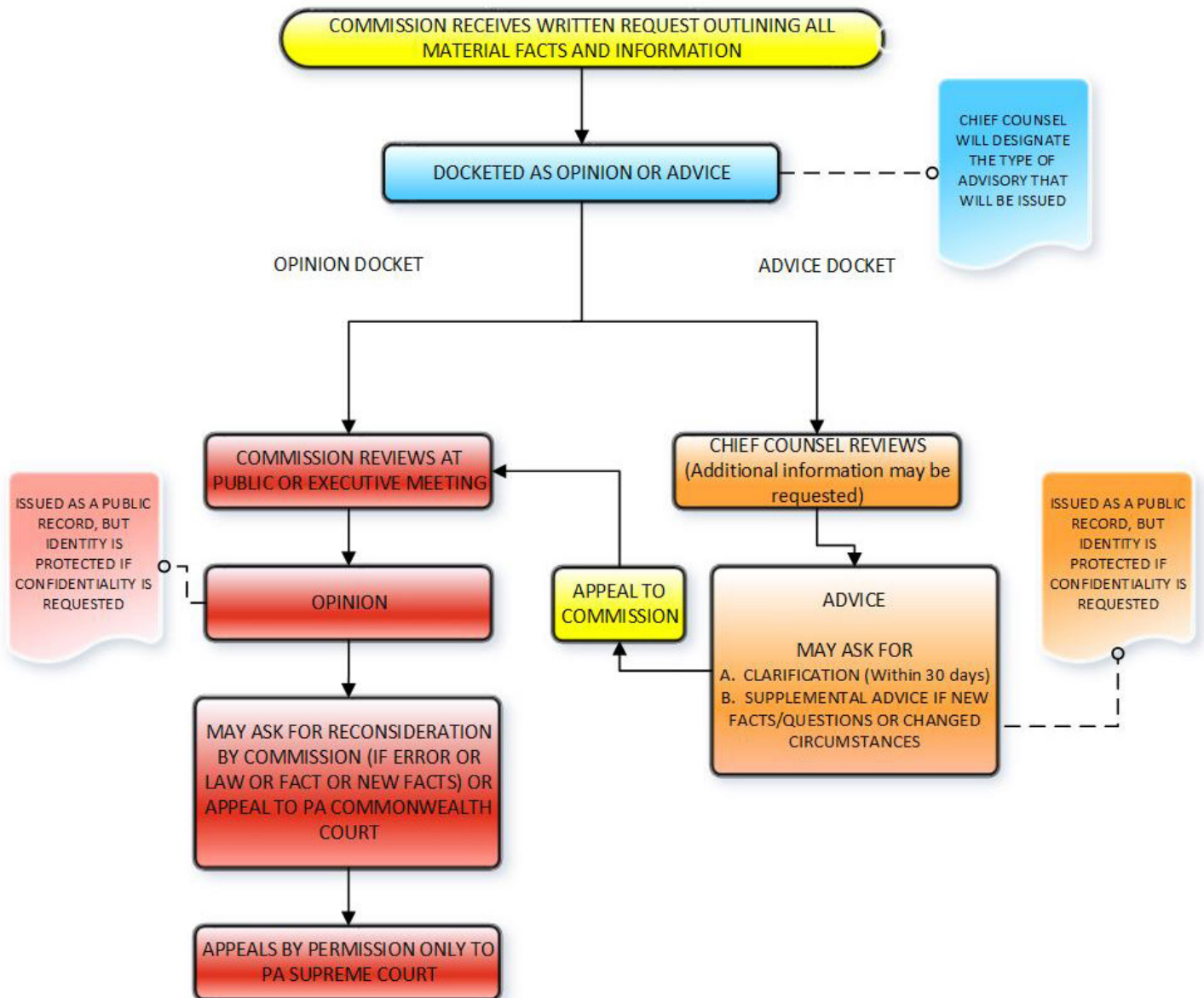
From January 1, 2017, through December 31, 2017, the Commission issued a total of 95 advisories under the Ethics Act, consisting of 7 Opinions and 88 Advices of Counsel, a 27% increase over 2016.

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 persons 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. Copies of Opinions and Advices are available online in the Commission's e-Library free of charge at [www.ethics.pa.gov](http://www.ethics.pa.gov).

Section 1107(10)-(11) of the Ethics Act directs 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.



## OPINIONS AND ADVICES FLOWCHART



# Complaints/Investigations

The Commission is authorized to investigate matters upon receipt of a sworn complaint or to initiate investigations upon its own motion. In order for a sworn complaint to be valid, it must include the full name(s) and address(es) of the complainant and respondent; contain allegations related to a specific individual(s); be signed by the complainant; and be properly notarized.

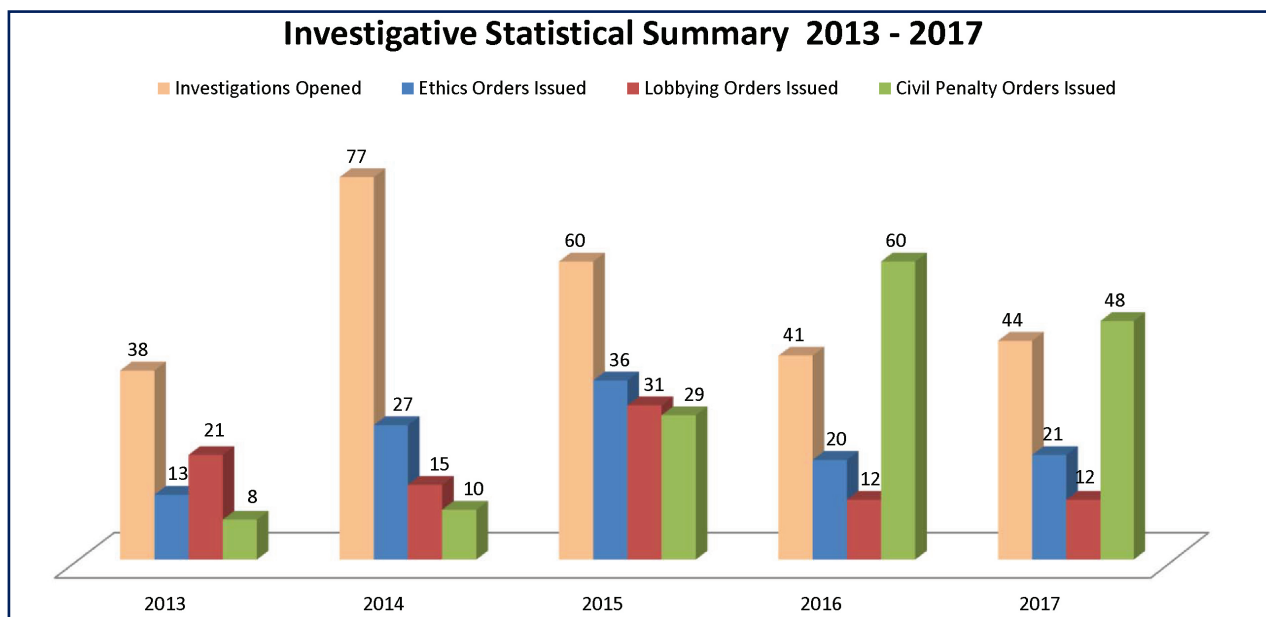
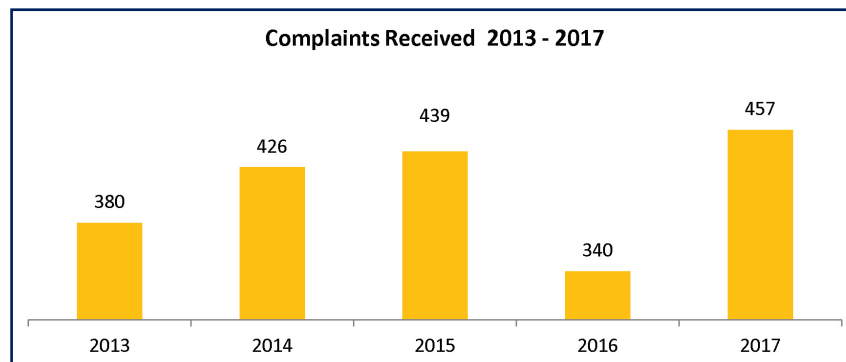
During 2017 the Investigative Division processed 457 complaints, a 34% increase over 2016. Of the 457 complaints received, 44 were opened as full investigations. The Commission issued 21 Orders as a result of determinations that the Ethics Act had been violated.

The Commission's Investigative Division will initially acknowledge receipt of a complaint; however, if the complained of matter is not within the Commission's jurisdiction or if the complaint lacks sufficient information, it will not be processed and the complainant will be notified of the deficiencies in the complaint. If a matter is to be investigated, the Commission's Investigative Division will initiate a preliminary investigation which must be either terminated or opened as a full investigation within 60 days. If a matter is opened as a full investigation, the complainant will be notified within 72 hours, and both the complainant and subject of the investigation (respondent) will be notified every 90 days thereafter of the status of the matter. The respondent must be notified prior to the initiation of a full

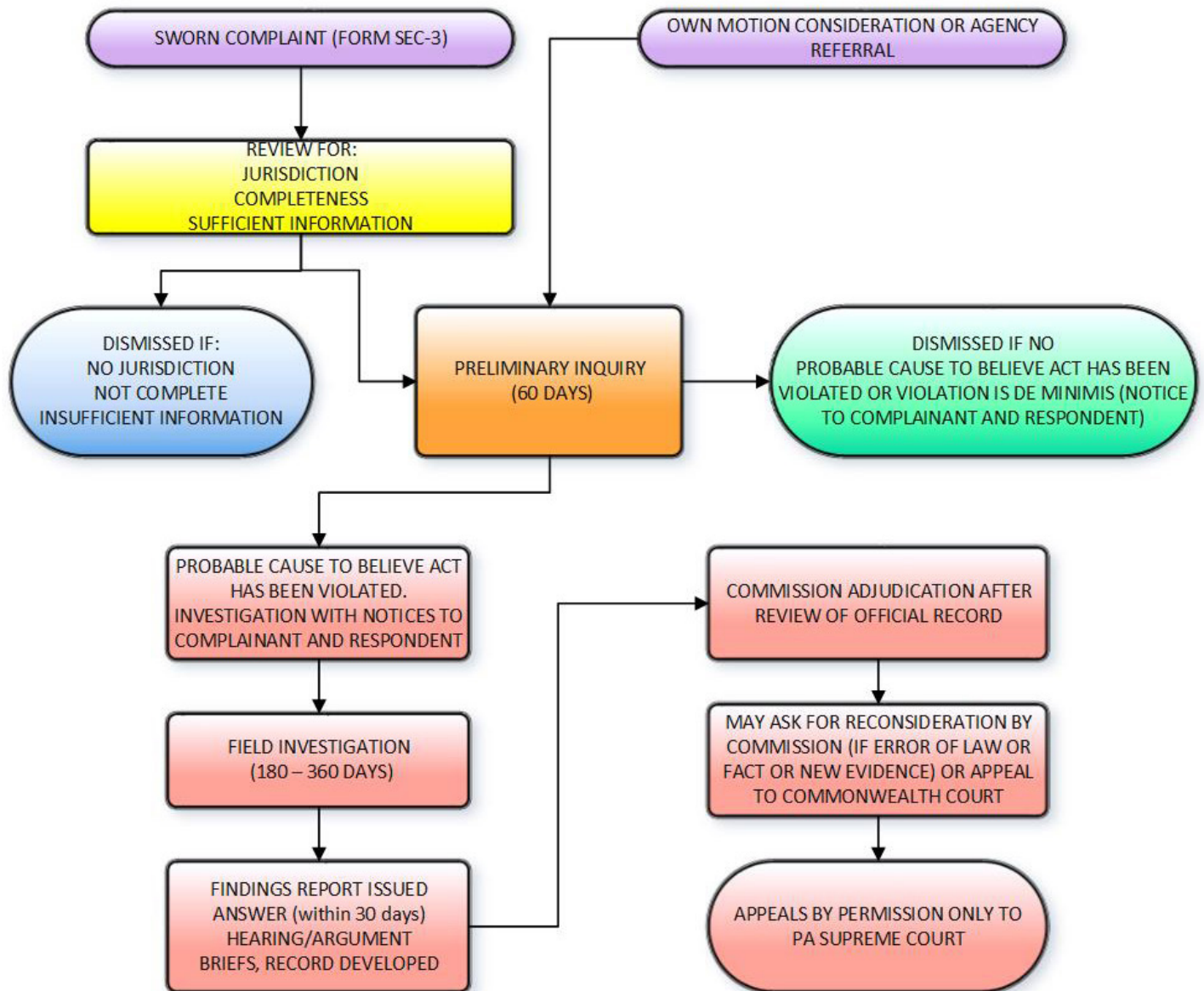
investigation of the allegations against him/her. If after a preliminary investigation the matter is terminated, both the complainant and the respondent will be notified.

Once a full investigation has been initiated, and upon the conclusion of the field investigation, the respondent will be issued an Investigative Complaint/Findings Report containing the relevant findings of fact. The Investigative Complaint/Findings Report must be issued within 360 days of the initiation of the full investigation, and the respondent must file an Answer to said report within 30 days after its issuance. Following the issuance of the Investigative Complaint/Findings Report, a respondent may choose to negotiate a settlement of the matter. If a respondent chooses to challenge the allegations contained within the Investigative Complaint/Findings Report, the respondent will be afforded a full and fair opportunity to do so following the filing of an Answer.

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 are public documents and will be released as such. They are also available online in the Commission's e-Library at [www.ethics.pa.gov](http://www.ethics.pa.gov).



## INVESTIGATIVE FLOWCHART



# Pennsylvania Lobbying Disclosure Law

## OVERVIEW

Under the Lobbying Disclosure Law, 65 Pa.C.S. § 13A01, et seq., the 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.

## ADVISORIES

From January 1, 2017, through December 31, 2017, the Commission issued one (1) advisory under the Lobbying Disclosure Law, consisting of an Opinion.

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 Ethics Act. Advisories are issued as to prospective conduct only.

## ENFORCEMENT

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 have 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. 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 non-compliance 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 and to prohibit a lobbyist from lobbying for economic consideration for up to five years.

For all 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). However, the only penalty the Commission may impose for these types of violations is 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

The Commission continues to engage in compliance efforts regarding lobbying activities undertaken in calendar year 2017. The Commission, through the Investigative Division, monitors and enforces the Lobbying Disclosure Law (65 Pa.C.S. § 13A01, et seq.) through compliance reviews of Registration Statements, as well as Quarterly Expense Reports filed by Principals, Lobbyists and/or Lobbying Firms with the Pennsylvania Department of State.

During calendar year 2017, the Pennsylvania Department of State did not identify any lobbyists, principals, or lobbying firms, which had filed deficient Registration Statements and as such, the Commission did not pursue any penalties against same. The Commission received a complaint regarding a Principal's failure to report and a Lobbyist's failure to register under the Lobbying Disclosure Law. The Commission issued an Order in each case by Consent Agreement. The Commission found that the Principal violated the Lobbying Disclosure Law when it negligently failed to properly report expenditures for indirect communication. The Commission found that the Lobbyist did not violate the Lobbying Disclosure Law, because there was insufficient evidence to conclude that the Lobbyist was required to register.

During the reporting period for calendar year 2017, the Commission issued a total of 85 Warning Notice Letters to Principals regarding their failure to file Quarterly Expense Reports as required by the Lobbying Disclosure Law. Of those 85 Warning Notices sent, 10 Principals did not file their quarterly expense reports and/or otherwise comply with the Warning Notices within the cure period. Those 10 Principals were the subject of Notices of Alleged Non-Compliance, an action undertaken by the Investigative Division of the Commission seeking the assessment of a monetary penalty against non-complying Principals. Of the 12 Orders issued by the Commission, nine (9) were negotiated consent agreements, and three (3) were the result of a default judgment.



## Commission Ordered Penalties and Restitution

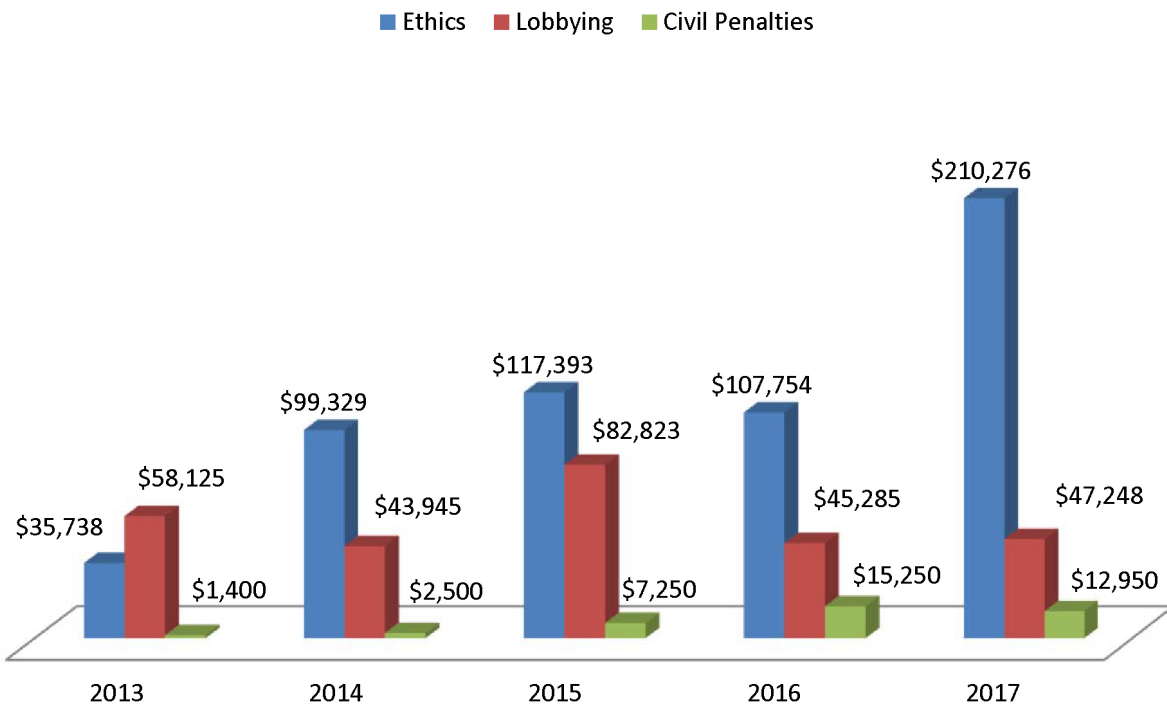
Pursuant to section 1107(13) of the Ethics Act (65 Pa.C.S. § 1107 (13)), the Commission is empowered to issue findings, reports and orders relating to investigations initiated pursuant to Section 1108 (65 Pa.C.S. § 1108) of the Act. Any order issued by the Commission finding that a public official or public employee has obtained a financial gain in violation of the Pennsylvania Public Official and Employee Ethics Act may require the subject of the investigation to make payment of restitution to the appropriate governmental body. The ordering of restitution is in addition to any other penalties provided for in the Ethics Act, such as the Treble Penalty provision. Any person who obtains financial gain in violation of the Ethics Act could face the possibility of being ordered to pay a sum of money equal to three times the amount of the financial gain (65 Pa.C.S. 1109 (c)).

During calendar year 2017 the Commission ordered the payment of \$210,276.09 in restitution and/or treble penalty. This amount marks a five-year high and is attributable to orders issued from both negotiated settlements and contested matters following evidentiary hearings.

In addition to any other civil remedy or criminal penalty provided for in this chapter, the Commission may levy a civil penalty upon any person who fails to file a Statement of Financial Interests at a rate of not more than \$25.00 a day for a maximum penalty of \$250.00. The Commission issued \$12,950.00 in civil penalties during calendar year 2017, the majority of which were findings of deficient and/or non-filing for extended periods, such that the maximum possible penalty exceeded ten days, and was therefore capped at \$250.00.

Lastly, as set forth in the Pennsylvania Lobbying Disclosure Law, specifically 65 Pa.C.S. § 13A09(c), any principal, lobbyist and/or lobbying firm who has negligently failed to register or report as required is subject to assessment of an administrative penalty not to exceed \$50.00 a day. Effective April 16, 2018, the administrative penalty increased under Act of February 14, 2018, PL. 2, No. 2 (Act 2 of 2018) directing penalties of \$50.00 a day for the first 10 days late; \$100.00 a day between 10 and 20 days late; and \$200.00 a day after the first 20 days late. During calendar year 2017, the Commission issued penalties totaling \$47,248.00 concerning late/deficient Lobbying registrations and/or quarterly reports, which were assessed using the prior \$50.00 a day cap.

### Restitution/Penalties Ordered 2013 - 2017



# Act 114 of 2016

Pursuant to Act 114 of 2016 pertaining to employees of the State Horse Racing Commission, the Commission has responsibilities for:

- (1) Biennially publishing a list of all employment positions within the State Horse Racing Commission with duties that would subject the individuals in those positions to the “revolving door/post-termination” restrictions at 3 Pa.C.S. § 9311(b)(6)(xiv); and

- (2) Making a determination, upon request, as to whether a particular individual/person would be subject to the “revolving door/post-termination” restrictions at 3 Pa.C.S. § 9311(b)(6)(xiv).

## 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 Pennsylvania 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, 2017, through December 31, 2017, there were no determinations issued by the Commission under Section 1512(a.5)(1) of the Gaming Act, 4 Pa.C.S. § 1512 (a.5)(1).

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 website at [www.ethics.pa.gov](http://www.ethics.pa.gov).

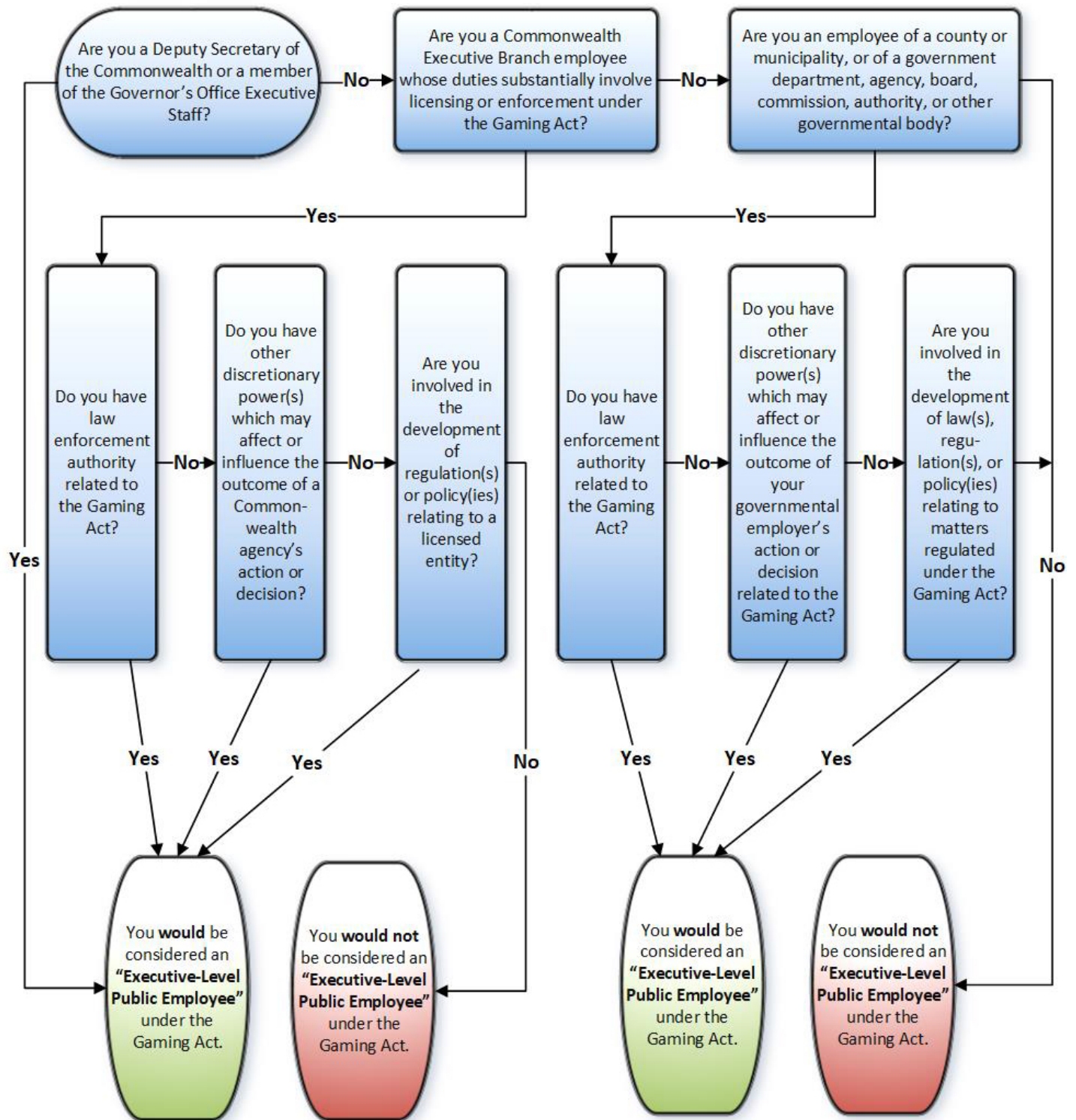
### GAMING LISTS

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.pa.gov](http://www.ethics.pa.gov) and via the Pennsylvania Gaming Control Board’s website at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov), which features a link to the Commission’s e-Library.

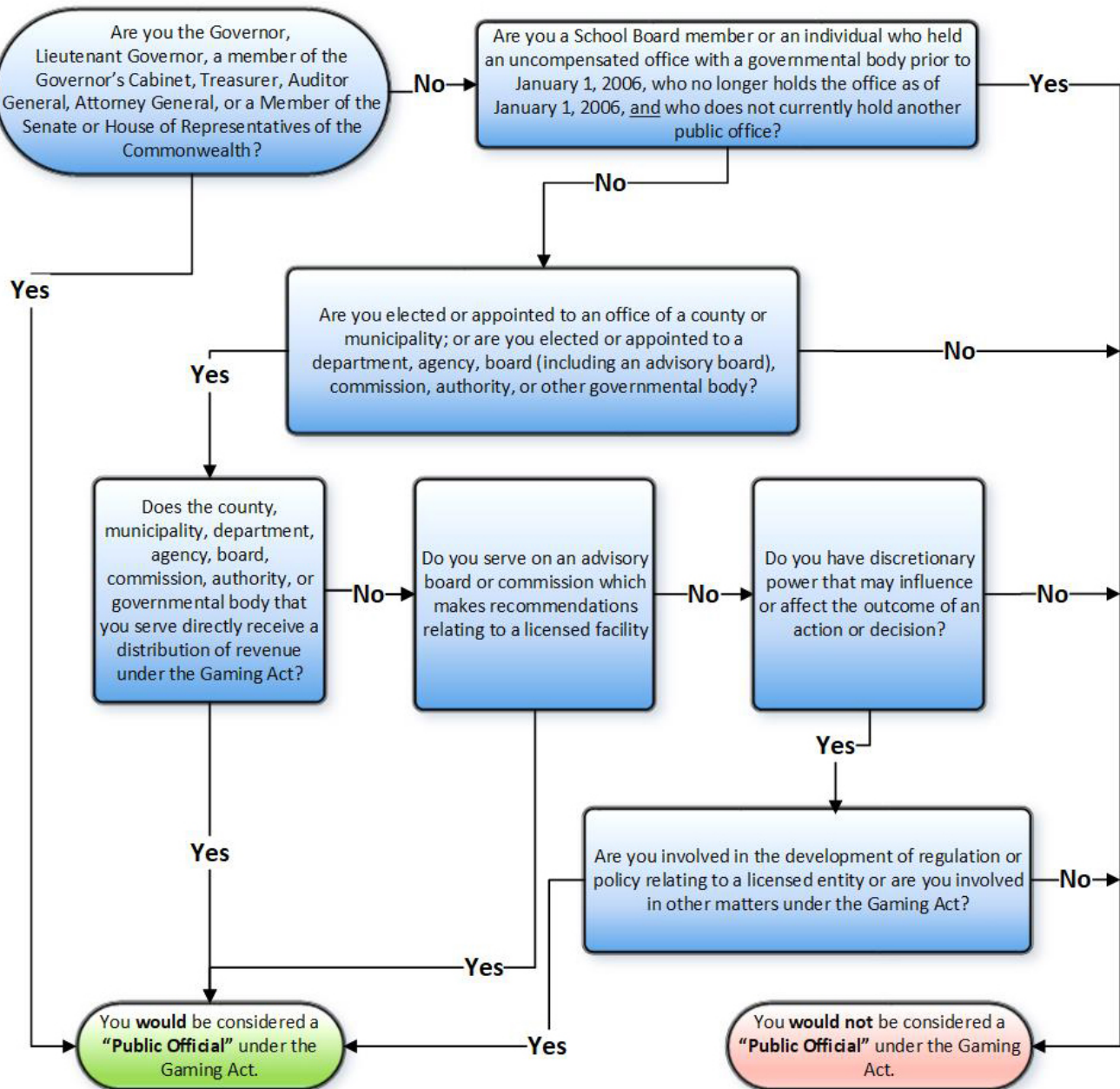
### STATUS AS AN EXECUTIVE-LEVEL PUBLIC EMPLOYEE OR PUBLIC OFFICIAL

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.

## GAMING ACT: EXECUTIVE-LEVEL PUBLIC EMPLOYEE FLOWCHART



## GAMING ACT: PUBLIC OFFICIAL FLOWCHART





# Pennsylvania Medical Marijuana Act

On April 17, 2016, the Governor of Pennsylvania signed into law Act 16 of 2016, the Medical Marijuana Act, which charged the Commission with new responsibilities.

Pursuant to Section 2101.1 of the Medical Marijuana Act, the Commission now has responsibilities for:

- (1) Issuing determinations, upon request, as to whether particular persons would be subject to restrictions regarding holding a financial interest in or being employed by a medical marijuana organization or a holding company, affiliate, intermediary or subsidiary thereof; and
- (2) Biennially publishing a list of all state, county, municipal and other government positions meeting the applicable definitions of the terms “public official” or “executive-level public employee,” which are two of the categories of persons subject to the aforesaid restrictions.

## MEDICAL MARIJUANA ACT DETERMINATIONS

From January 1, 2017, through December 31, 2017, three (3) Determinations under Section 2101.1(d)(1) of the Medical Marijuana Act, 35 PS. § 10231.2101.1(d)(1), were issued by the Commission. Determinations under the Medical Marijuana Act are public records.

Paper copies of Commission Determinations are available at cost from the Commission. Determinations are also accessible within the Commission’s e-Library, which may be accessed via the Commission’s website at [www.ethics.pa.gov](http://www.ethics.pa.gov).

## MEDICAL MARIJUANA ACT LISTS

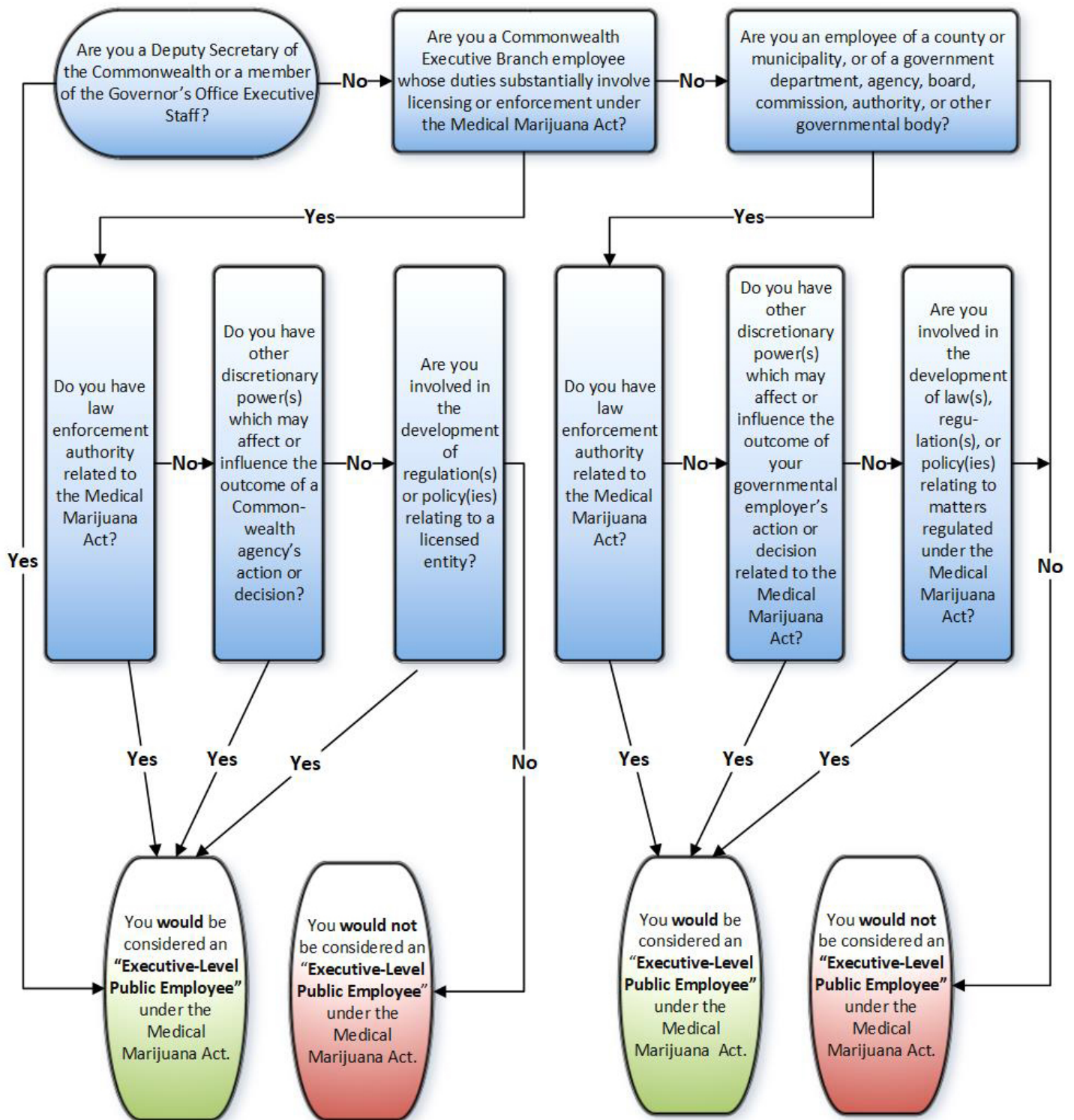
Lists developed by the Commission pursuant to the Medical Marijuana Act will be published biennially in the Pennsylvania Bulletin and will also be accessible within the Commission’s e-Library, which may be accessed via the Commission’s website at [www.ethics.pa.gov](http://www.ethics.pa.gov).

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

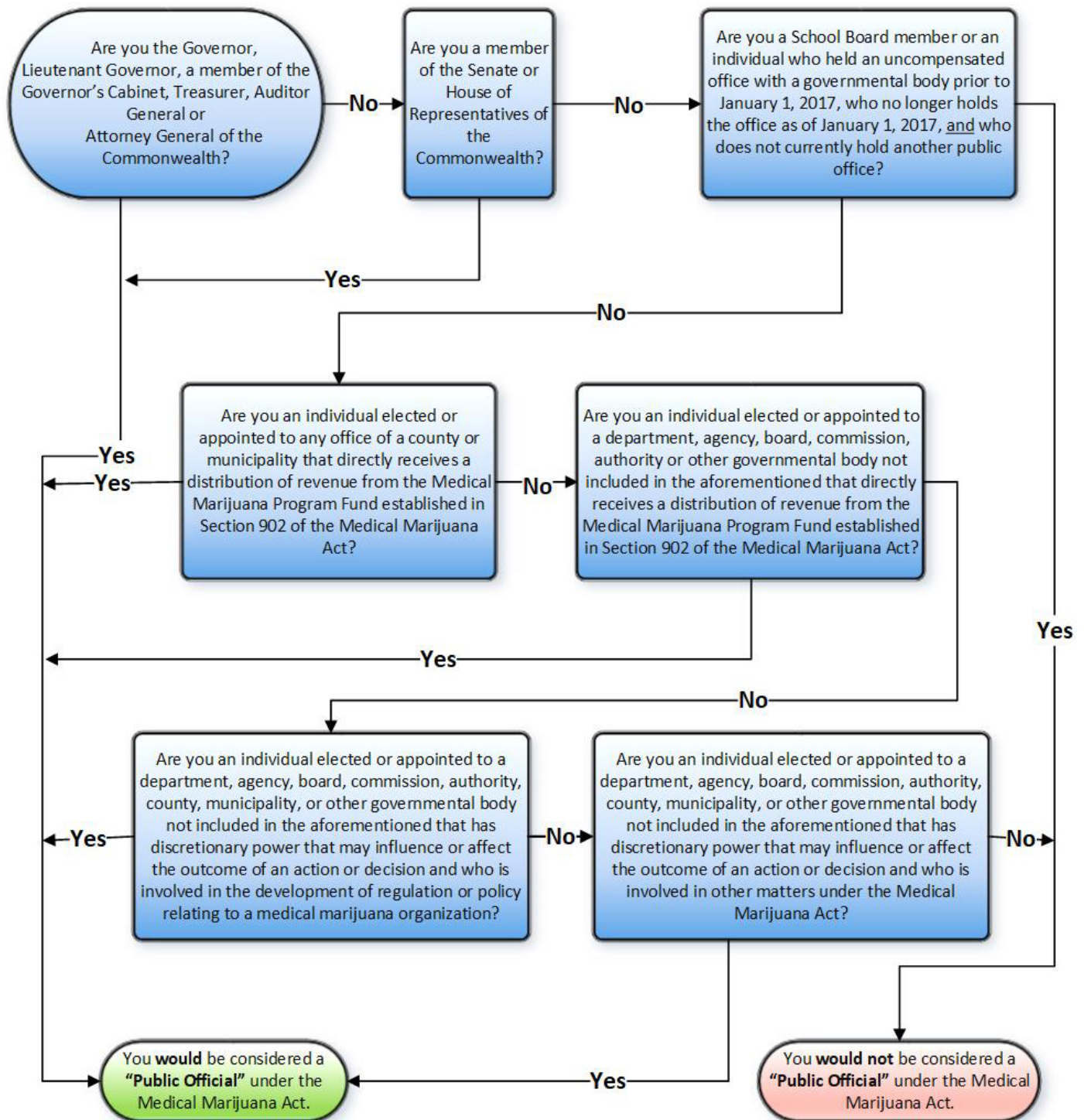
The term “executive-level public employee” is defined as it is defined at Section 1103 of the Gaming Act, 4 Pa.C.S. § 1103, with any references to “this part” referring to the Medical Marijuana Act rather than the Gaming Act. See, Knox, Determination 17-3001. The term “public official” is defined in Section 2101.1(e) of the Medical Marijuana Act.



## MEDICAL MARIJUANA ACT: EXECUTIVE-LEVEL PUBLIC EMPLOYEE FLOWCHART



## MEDICAL MARIJUANA ACT: PUBLIC OFFICIAL FLOWCHART



## 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 governmental ethics, lobbying registration and reporting, campaign finance reporting and administration, election, and freedom of information laws. More information on COGEL may be found at [www.COGEL.org](http://www.COGEL.org).

The 2017 Annual COGEL Conference was held from December 3-6, 2017, in Toronto, Ontario, Canada, and several Commission staff and Commissioners were in attendance.

The 2018 Annual COGEL Conference will be held from December 9-12, 2018, in Philadelphia, Pennsylvania.

## Public Outreach and Training

The Commission considers its duty to educate public officials/employees, as well as members of the public in general, a key factor to fulfilling its responsibilities under the Ethics Act. Through the Commission's public outreach efforts, thousands of public officials/employees in the Commonwealth, who might otherwise receive no education or training regarding the Ethics Act, have been provided guidance in a seminar/classroom-type setting to encourage discussion. In addition, the Commission arranges staffed informational booths at numerous statewide conferences, affording conference attendees the opportunity to view and obtain information and informally meet with Commission representatives.

During calendar year 2017, Commission staff participated in 34 separate training and/or outreach events, which were held at various locations throughout the Commonwealth of Pennsylvania. The in-state training and outreach programs consisted of various levels of presentations geared toward local, as well as state, public officials and employees. In addition, the Commission hosted an Ethics Exhibit at the Pennsylvania Municipal Authorities Association (PMAA) Annual Conference and Trade Show, as well as the Pennsylvania State Association of Township Supervisors (PSATS) convention.

Training/presentations occurred at the statewide conferences of the Central PA Chapter of the Institute of Internal Auditors, County Commissioners Association of Pennsylvania, the Engineers Conference sponsored by PMAA, Pennsylvania Association of Intermediate Units, Pennsylvania Association of School Business Officials, Pennsylvania Building Officials (PENBOC), Pennsylvania Business Tax Collectors Association, Pennsylvania Chapter of the American Planning Association, Pennsylvania State Association of Township Commissioners, and the Western Pennsylvania and Allegheny County Association of Township Commissioners.

Ethics trainings/presentations were also held at three locations of the Pennsylvania Municipal Authorities Association (Breinigsville, Mars and Camp Hill).

Presentations were also made to the following state agencies and city offices: the Philadelphia Parking Authority, the City of Harrisburg and the Public Utility Commission.

Commission staff also participated in several ethics panels: the Office of General Counsel University, the Office of Administration's panel regarding Ethics in the Workplace, the Education Policy Fellowship Leadership Council and a Conflict of Interests Panel at Integrity Week, which was sponsored by the City of Philadelphia.

Local training efforts occurred at the Indiana County Board Association Meeting, Chambersburg Area School District, Chester County Association of Township Officials Conference, Delaware County Tax Collectors, Greater Johnstown School District, Lackawanna County Tax Collectors, Littlestown Borough, Montgomery County Intermediate Unit, and the Municipal Solicitors Seminar sponsored by the Pennsylvania Association of Township Supervisors. Commission staff also completed a training/presentation to law students of Widener University.

These presentations were well received and were attended by hundreds of individuals in total. The Commission expects to continue its training efforts for calendar year 2018. It is the belief that anywhere between 1,000 and 5,000 individuals will have the opportunity to attend and participate in various educational/training programs as a result of the Commission's outreach efforts. Individuals seeking training by the Commission can do so by submitting a written request to the Commission or by submitting the Training Request Form available on the Commission's website at [www.ethics.pa.gov](http://www.ethics.pa.gov).







# STATE ETHICS COMMISSION

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