

State Ethics  
Commission

2019  
ANNUAL  
REPORT



**pennsylvania**  
STATE ETHICS COMMISSION





# Table of Contents

## **General**

Introduction . . . . .	3
Commissioners and Staff . . . . .	4-8
Commission Member and Employee Restrictions . . . . .	8
Contact Information . . . . .	9
Public Information . . . . .	9
Budget . . . . .	10

## **Public Official and Employee Ethics Act**

Powers and Duties of the Ethics Commission . . . . .	11
Restricted Activities . . . . .	11
Financial Disclosure Requirements . . . . .	12
Civil Penalties . . . . .	13
Notice of Non-Compliance Flowchart. . . . .	14
Opinions and Advices. . . . .	15
Opinions and Advices Flowchart. . . . .	16
Complaints/Investigations . . . . .	17-18
Investigative Flowchart . . . . .	19

## **Pennsylvania Lobbying Disclosure Law . . . . . 20-21**

## **Commission-Ordered Penalties and Restitution . . . . . 22**

## **Act 114 of 2016 . . . . . 23**

## **Pennsylvania Race Horse Development and Gaming Act. . . . . 23**

Gaming Act: Executive-Level Public Employee Flowchart . . . . .	24
---	----

Gaming Act: Public Official Flowchart . . . . .	25
---	----

## **Act 42 of 2017 (Video Gaming Act). . . . . 26**

Video Gaming Act: Executive-Level Public Employee Flowchart. . . . .	27
--	----

Video Gaming Act: Public Official Flowchart . . . . .	28
---	----

## **Pennsylvania Medical Marijuana Act (MMA). . . . . 29**

MMA: Executive-Level Public Employee Flowchart . . . . .	30
--	----

MMA: Public Official Flowchart . . . . .	31
--	----

## **COGEL: Council on Governmental Ethics Laws . . . . . 32**

## **Public Outreach and Training . . . . . 32**



**pennsylvania**  
STATE ETHICS COMMISSION

## Introduction

In accordance with the provisions of the Public Official and Employee Ethics Act (“Ethics Act”), the Pennsylvania State Ethics Commission is issuing this report of Commission operations for calendar year 2019.

Throughout 2019, the Commission continued to fulfill its primary mandate of strengthening the faith and confidence of the people of the Commonwealth in their government through the Commission’s three main functions: (1) administration and enforcement of the financial disclosure requirements; (2) providing advice and guidance in the form of written advisories to public officials and employees (or their appointing authorities or employers) regarding their duties and responsibilities under the Ethics Act; and (3) conducting investigations, either through receipt of a sworn complaint or upon its own motion, of alleged violations of the Ethics Act. The Commission’s jurisdiction in all three areas is uniform in its application to local, county, and state level public officials and public employees. The specific actions and activities of the Commission in these three areas undertaken during 2019 are set forth in greater detail throughout this report.

The Commission is an independent agency of the Commonwealth, comprised of seven Members vested with the responsibility of administering and enforcing the provisions of the Ethics Act, as well as providing guidance to public officials and public employees as it relates to their conduct under the Ethics Act. The Commission has established policies and procedures for regulating and enforcing the restricted activities provisions of the Ethics Act, which are administered impartially by a staff of dedicated and experienced employees.

In addition to its responsibilities under the Ethics Act, the Commission is vested with enforcement duties under the Lobbying Disclosure Law (Act 134-2006) relating to the activities of lobbyists and principals who seek to influence state government. The Commission is empowered to conduct investigations in relation to alleged violations of the filing provisions of the Lobbying Disclosure Law. Dedicated emphasis on achieving compliance with the Lobbying Disclosure Law’s registration and quarterly expense reporting requirements, has resulted in a decrease in the number of enforcement actions initiated in 2019 as compared to previous years. The Commission is also empowered to issue advisory opinions under the Lobbying Disclosure Law.

The Commission has additional responsibilities under the Pennsylvania Racehorse Development and Gaming Act, the Video Gaming Act (Act 42 of 2017), and the Medical Marijuana Act (Act 16 of 2016). Each law charges the Commission with generating a public listing of all state, county, municipal and other governmental positions meeting the relevant statutory definitions of the terms “public official” or “executive-level public employee” as well as issuing certain Determinations.

Lastly, Act 114 of 2016 requires the Commission to publish a list of all employment positions within the State Horse Racing Commission with duties that would subject those individuals to certain “revolving door/post-termination” restrictions and to make determinations whether particular individuals would be subject to such restrictions.

The Commission continues to see success with the use of its electronic filing system for Statements of Financial Interests. The electronic filing system, developed by Commission staff and implemented in 2014, has seen a steady increase in usage, by not only those who are required by law to file Statements of Financial Interests with the Commission, but also through voluntary filings made by local government officials. The electronic filing system is capable of handling all filings, including local filings, if needed in the future. Filing electronically is convenient, efficient and a cost savings.

The Commission continues to place great importance on educating public officials and public employees on the message that “public office is a public trust” and that ethical conduct and integrity are essential principles for those serving in the public sector. This is being accomplished through numerous training/ educational seminars that are provided by Commission staff to those in public service. In 2019 Commission staff participated in 27 seminars, workshops, panel discussions and presentations involving a wide range of governmental institutions and associations. The Commission is currently working with another state agency to develop training videos and webinars to provide the message to over 2,700 governmental bodies across the Commonwealth.

The Ethics Act’s basic principle that public office is a public trust continues to guide the Commission’s mission. The Commission looks forward to its continued service to the public as well as those regulated by the Commission.



# Commissioners and Staff

## COMMISSIONERS

The Ethics Act mandates that the Commission is to be comprised of seven 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, no more than two of whom may be of the same political party. Commission Members are appointed without confirmation.

The Commission was comprised of seven Members during calendar year 2019 until the resignation of Commissioner Monique Myatt Galloway, Esquire, on August 2, 2019. On February 10, 2020, Everett A. Gillison, Esquire, was appointed to the Commission by the Honorable Jay Costa, Minority Leader of the Pennsylvania Senate, to replace Commissioner Galloway.

## CURRENT COMMISSIONERS

- Nicholas A. Colafella, Ph.D. (Chairman)
- Mark R. Corrigan, Esquire (Vice Chairman)
- Roger E. Nick
- Melanie F. DePalma
- 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 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 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 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, Dr. Colafella 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 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 and Parliamentarian of the Senate of Pennsylvania on June 30, 1981 and continuously re-elected to serve in that position until retiring on December 31, 2011.



**ROGER E. NICK**  
COMMISSIONER

Roger E. Nick was appointed as a Member of the 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 retired from full-time employment after 36 years with the Commonwealth in 2009. During his career he was employed by the Pennsylvania General Assembly, including Executive Director of the House Transportation Committee (1973 - 1976), Executive Assistant to State Senator Robert J. Kusse (1976 - 1983), and Chief of Staff to Speaker of the House Matthew J. Ryan (1985 - 2003). He also served as Legislative Liaison to the Pennsylvania Department of Transportation (1983 - 1985) and Vice President of Legislative and Board Affairs for the Pennsylvania Higher Education Assistance Agency (2003 - 2005). Mr. Nick returned to the Pennsylvania House of Representatives in 2005, serving as the Chief Clerk from 2005 until his retirement in 2009.

After retirement, he served as a Member of the Legislative Audit Advisory Commission from 2011 until his appointment to the Commission.



**MELANIE F. DEPALMA**  
COMMISSIONER

Melanie F. DePalma was appointed as a Member of the 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 Bachelor of Science 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

(Served from September 27, 2017, to August 2, 2019)

Monique Myatt Galloway, Esquire, was appointed as a Member of the Commission on September 27, 2017, by the Honorable Jay Costa,

Minority Leader of the Pennsylvania Senate.

Monique Myatt 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 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 as a Member of the Commission on October 12, 2017, by the Honorable Tom Wolf, Governor of the Commonwealth of Pennsylvania.

Mr. Schwartz is a partner and chair of the firm’s White Collar Litigation and Investigations Practice Group of Troutman Pepper, resident in the Philadelphia office. Mr. Schwartz focuses his practice in the areas of criminal defense and counseling, defense of False Claims Act and Foreign Corrupt Practices Act matters, internal corporate investigations, corporate compliance programs, corporate monitorships, and First Amendment matters. Mike has significant experience in the pharmaceutical and medical device, health care, construction, and government contracting industries. Mr. Schwartz serves on the firm’s Policy 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 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 Xponance, Inc., 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 Xponance 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, and 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.



**EVERETT A. GILLISON**  
COMMISSIONER  
(Served from February 10, 2020 to May 13, 2020)

Everett A. Gillison, Esquire, was appointed as a Member of the Commission on February 10, 2020, by the Honorable Jay Costa, Minority Leader of the Pennsylvania Senate.

Mr. Gillison has had a very extensive career serving as a public servant for the citizens of Pennsylvania. Forty-four years ago, he began his work as a Social Worker for in the Social and Psychiatric Services Division of the Defenders Association of Philadelphia. After serving for six years, he left and attended the Syracuse College of Law. In 1985, he returned to the Defenders Association of Philadelphia where he worked for the next 23 years, developing into an outstanding trial attorney and advocate in the Special Defense and Homicide Units. In recognition of his efforts, he was inducted as a Fellow in the College of American Trial Lawyers.

The Honorable Michael A. Nutter, Mayor of the City of Philadelphia, appointed him Deputy Mayor for Public Safety on January 7, 2008. In his position he supervised the Police and Fire Departments, Prisons, Office of Emergency Management, and the Mayor's Office of Reintegration Services for Ex-Offenders. He also was the administration point person on Criminal Justice and worked with the various criminal justice partners.

On October 31, 2011, Mr. Gillison was appointed Chief of Staff by Mayor Michael A. Nutter. As Chief of Staff, Mr. Gillison served as a close adviser to the Mayor and was responsible for the coordination of policy among the various cabinet officials of the government in addition to his responsibilities as Deputy Mayor for Public Safety.

After the close of the Nutter administration, in June of 2016 Mr. Gillison was appointed by Governor Tom Wolf to the Pennsylvania Board of Probation and Parole. He completed a three and one-half year term as of January 2020.

Mr. Gillison is a native Philadelphian. He grew up in West Philadelphia, graduating from University City High School, the University of Pennsylvania with a B.A. in Political Science and Syracuse University College of Law.

Mr. Gillison resigned his position as Commissioner on May 13, 2020.

## Staff

### EXECUTIVE DIVISION

Robert P. Caruso, Executive Director  
Brian D. Jacisin, Deputy Executive Director/ Director of Investigations  
Laura Miller, Executive Secretary

### OFFICE OF CHIEF COUNSEL

Robin M. Hittie, Chief Counsel  
Martin W. Harter, Deputy Chief Counsel  
Esther Estelle, Legal Assistant

### ADMINISTRATIVE DIVISION

Leticia Powell, Director of Administration  
Nicole Stockdale, Clerk Typist  
Stanley G. Weaver, Clerk Typist  
Jessica Wenger, SFI Compliance Manager  
Sean M. Firestine, Information Technology Manager

### INVESTIGATIVE DIVISION (HEADQUARTERS)

Jeffery S. Frankenburger, Assistant Counsel  
Jonathan Fry, Supervising Investigator  
Daniel M. Bender, Senior Special Investigator  
Gregory Curran, Senior Special Investigator  
Hayley Dull, Special Investigator (effective 2/3/2020)  
Heather L. Mulhollan, Administrative Assistant

### INVESTIGATIVE DIVISION (WESTERN REGIONAL OFFICE)

Jason P. Bricker, Regional Supervising Investigator  
Kathleen Haefner, Special Investigator  
Grant Pampiks, Special Investigator  
Cynthia L. Hershberger, Secretarial Support

## Commission Member & 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 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: [ra-ethicswebmaster@pa.gov](mailto:ra-ethicswebmaster@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 via the Commission's website at [www.ethics.pa.gov](http://www.ethics.pa.gov).

For calendar year 2019, 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:

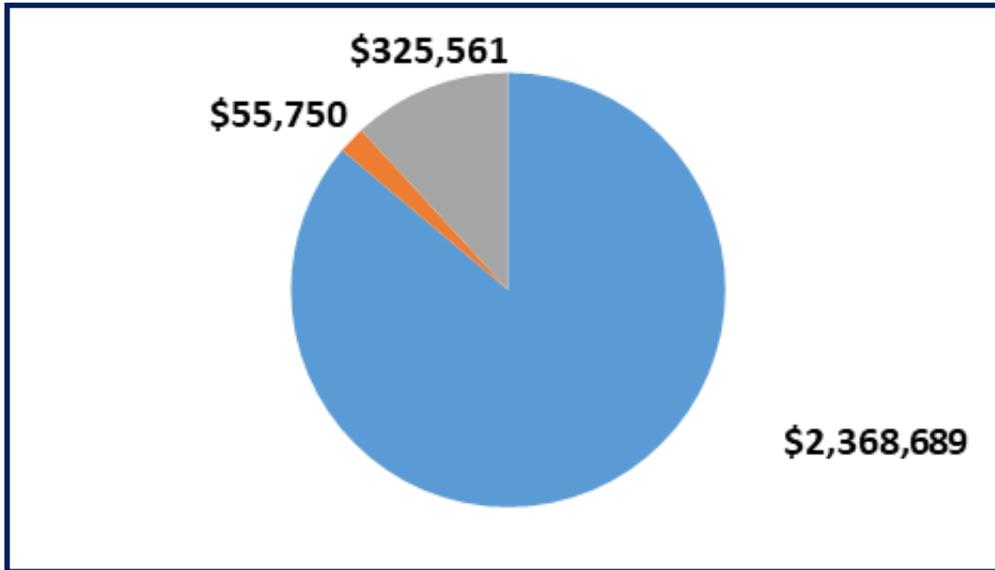
Commission decisions (Orders, Opinions, Advices of Counsel, and Determinations) are available at the offices of the Commission and at the Commission's e-Library, which may be accessed via the Commission's website at [www.ethics.pa.gov](http://www.ethics.pa.gov).



# Budget

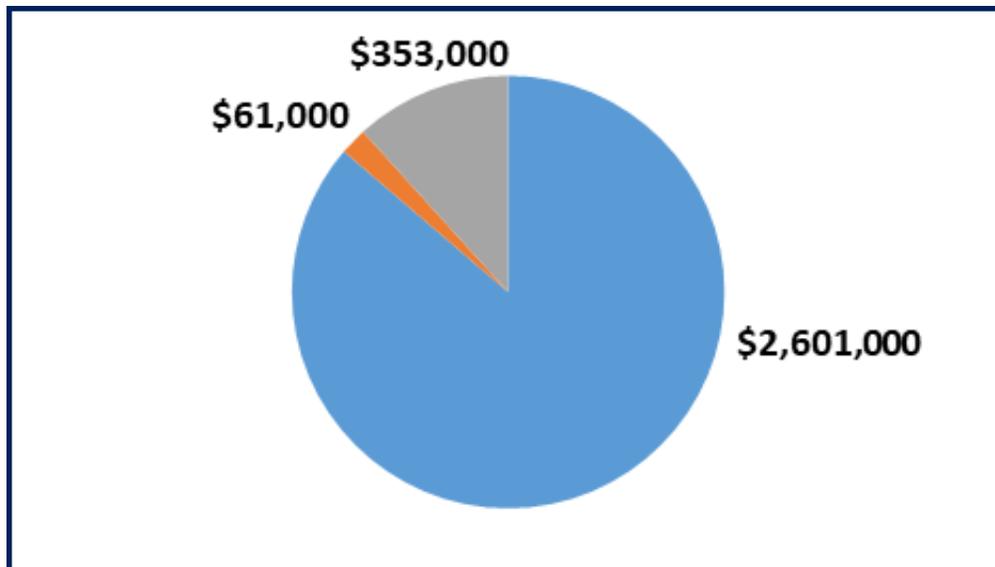
## TWO-YEAR BUDGET ANALYSIS APPROPRIATION 2018-2019

Employee salaries/benefits .....	\$2,368,689
Miscellaneous personnel services .....	\$55,750
Agency Operations.....	\$325,561
Total .....	\$2,750,000



## APPROPRIATION 2019-2020

Employee salaries/benefits .....	\$2,601,000
Miscellaneous personnel services .....	\$61,000
Agency Operations.....	\$353,000
Total .....	\$3,015,000



# Public Official and Employee Ethics Act

## POWERS AND DUTIES

The powers and duties of the Commission under the Public Official and Employee Ethics Act (Ethics Act), 65 Pa.C.S. § 1101 et seq., 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 purposes 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 their 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 Requirements

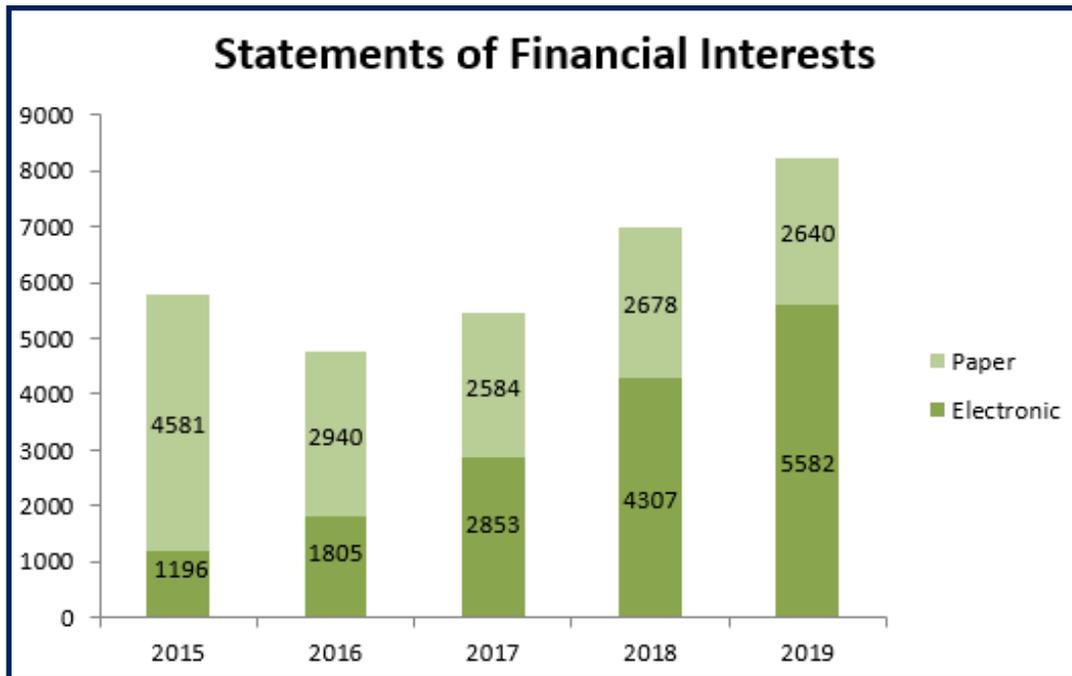
Section 1104 of the Ethics Act (65 Pa.C.S. § 1104) requires that public officials, public employees, solicitors, nominees, and candidates for public office file Statements of Financial Interests. Section 1105 of the Ethics Act (65 Pa.C.S. § 1105) delineates what financial information is to be disclosed.

Between December 2019 and mid-January 2020, a total of 168,778 Statement of Financial Interests forms were distributed to 6,626 state, county, and local government entities for distribution to public officials, public employees, and candidates required to file Statements of Financial Interests for the 2019 calendar year pursuant to the Ethics Act. The Administrative Division updated the distribution list to avoid duplicate, erroneous and/or obsolete mailings.

All individuals filing Statements of Financial Interests have the option to file electronically through the Commission’s website in lieu of completing a paper form. However, a filer using the Commission’s online

filing system must ensure that a copy of the form is filed with all required filing locations.

For calendar year 2018 (filing year 2019), there were 8,222 individuals who filed Statements of Financial Interests with the Commission. Of those who filed, 5,582 (68%) filed electronically through the Commission’s website, resulting in a 30% increase in electronic filings from the previous year. Those individuals who filed with the Commission included 118 candidates for public office as well as current and former: members of the General Assembly (310); members of state boards and commissions (1,589); cabinet members and staff (276); constables and/or deputy constables (1,447); and state employees (1,971). There were 2,511 additional filers consisting 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 through 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)).

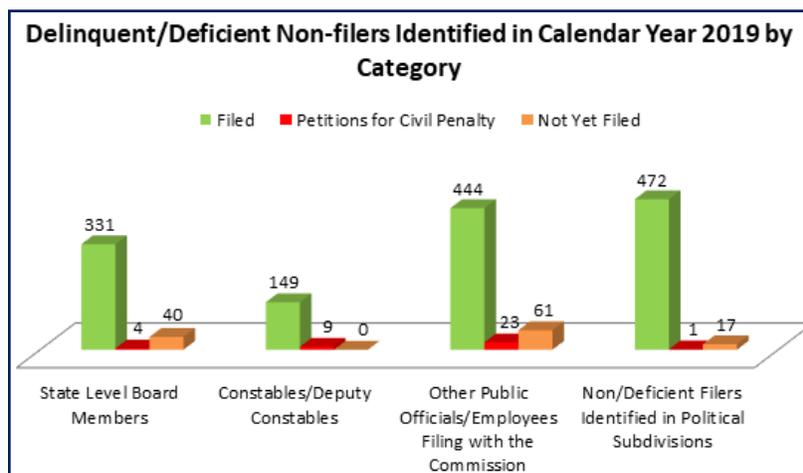
Pursuant to the Ethics Act, the Regulations of the Commission (51 Pa. Code § 11.1 et seq.), and the Policies and Procedures of the Commission, upon learning that an individual has either failed to file or has filed a deficient Statement of Financial Interests, the Commission will notify the individual of such non-compliance. Warning Notice letters are sent to individuals who have 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, 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 may pursue the matter in the Commonwealth Court of Pennsylvania for the purpose of enforcement of the Commission's Order.

During the 2019 calendar year, the Commission identified 1,551 public officials/public employees who either filed a deficient Statement of Financial Interests or failed to file as required by the Ethics Act. This

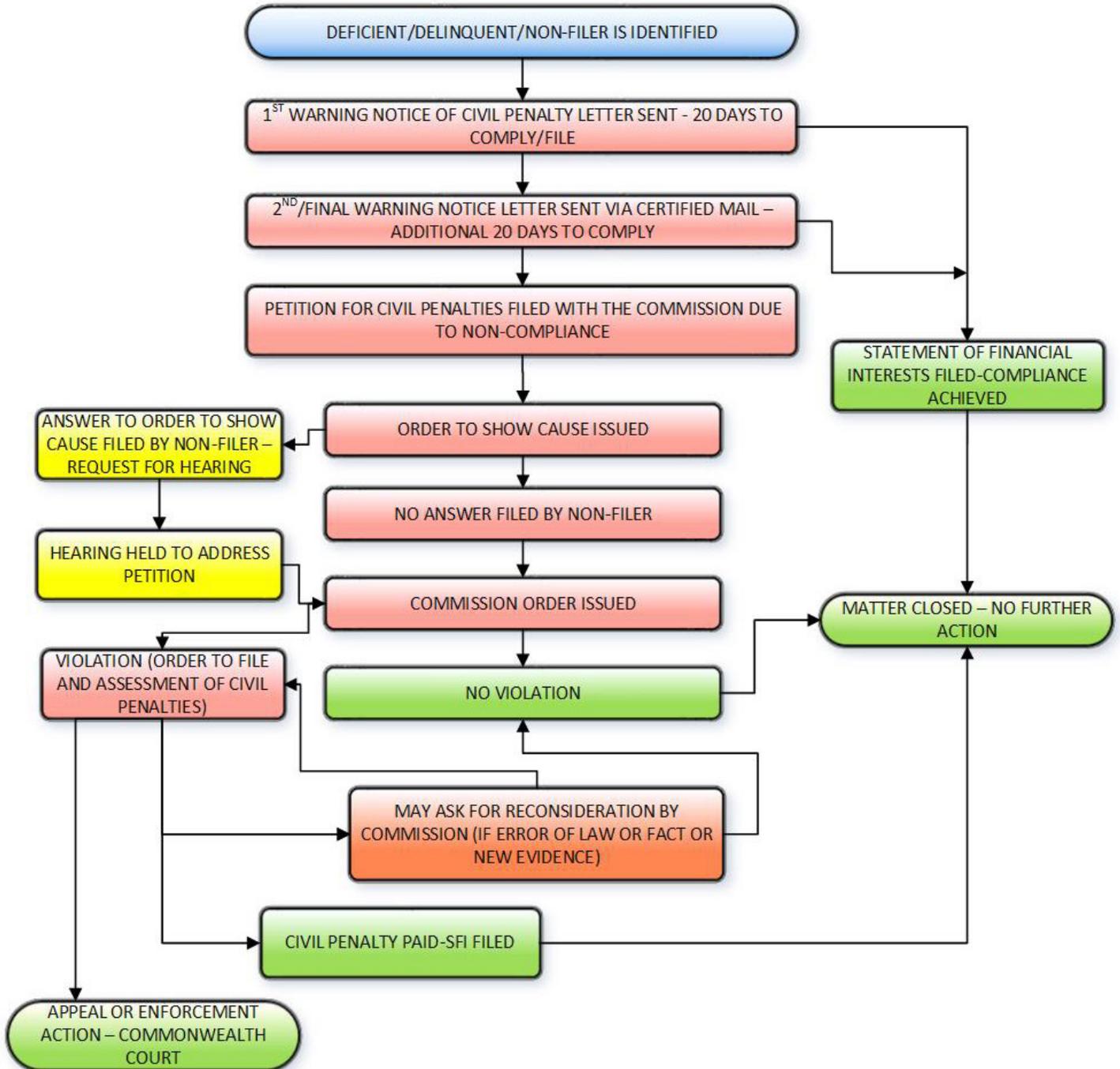
included 1,283 individuals who failed to file a Statement of Financial Interests and 268 individuals who filed a deficient Statement of Financial Interests. The Commission's Administrative Division issued Warning Notice Letters directing those identified to file and/or correct any deficiencies within 20 days to avoid any further action by the Commission. The Warning Notice Letters resulted in 1,396 individuals filing/amending Statements of Financial Interests by the end of calendar year 2019. Of the remaining 155 individuals who failed to file or amend a Statement of Financial Interests, Petitions for Civil Penalties were filed with the Commission against 37 of those so identified. Approximately 118 more of these identified delinquent/deficient filers had yet to file within the cure period and will become subject to civil penalty proceedings filed by the Investigative Division. The offices (e.g., State Level Board Member, Constable/Deputy Constable, etc.) held by those identified 1,551 deficient/non-filing public officials/public employees are detailed in the illustration below.

The Commission's Investigative Division also conducted 28 on-site Compliance Reviews resulting in the identification of 490 delinquent/deficient filers. The issuance of Warning Notice Letters produced a 94% compliance rate (472 filers). The remaining non/delinquent filers will be subject to civil penalty proceedings. In addition to the issuance of Warning Notice Letters and other enforcement efforts, namely the filing of Petitions for Civil Penalties, during calendar year 2019, the Commission issued a total of 32 Orders that levied civil penalties against public officials/public employees who failed to correct delinquent/deficient Statements of Financial Interests, as required by the Ethics Act.





### NOTICE OF NON-COMPLIANCE FLOWCHART

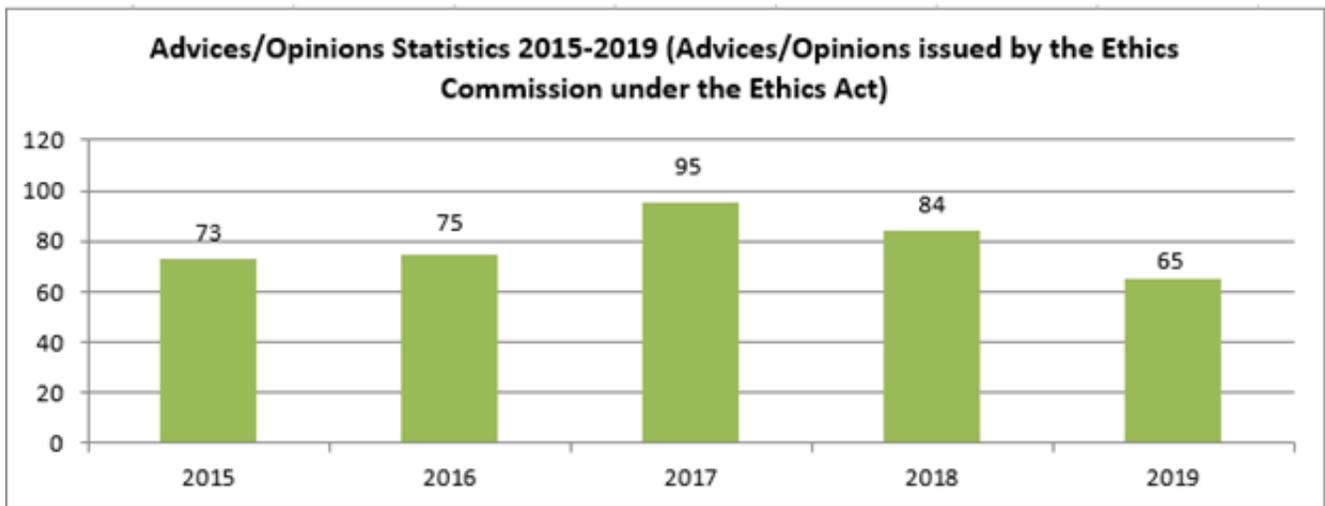


## OPINIONS AND ADVICES

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 Ethics 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 any 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.

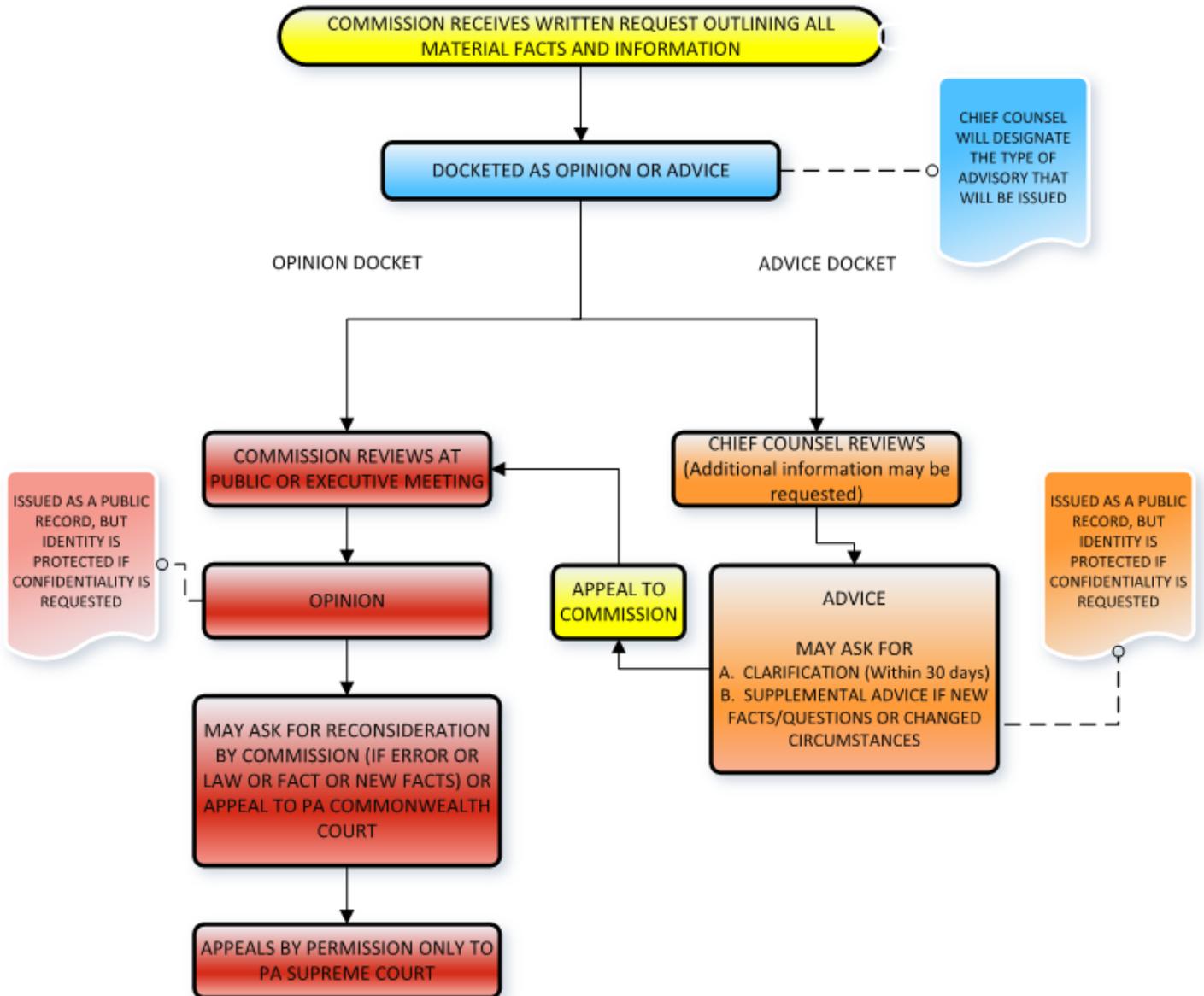
From January 1, 2019, through December 31, 2019, the Commission issued a total of 65 advisories under the Ethics Act, consisting of 8 Opinions and 57 Advices of Counsel.

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





## OPINIONS AND ADVICES FLOWCHART



## COMPLAINTS / INVESTIGATIONS

The Commission is authorized to investigate matters upon receipt of a sworn complaint, or it may initiate investigations upon its own motion. 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.

Upon receipt of a complaint, the Commission's Investigative Division will initially notify the complainant in writing to confirm the receipt of the complaint. In the event the complained of matter is not within the Commission's jurisdiction or if the complaint lacks sufficient information, the complainant will be notified of the deficiencies at that time. If a matter is to be investigated, the Commission's Investigative Division will initiate a preliminary inquiry which must be completed within 60 days. Upon conclusion of the preliminary inquiry, the matter will either be closed or the matter will be opened for a full investigation. If the matter is opened as a full investigation, the complainant will be notified within 72 hours, and both the complainant and the subject of the investigation (respondent) will be notified every 90 days thereafter of the general status of the matter. 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 no later than within 360 days of the initiation of the full investigation. 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).

During 2019 the Investigative Division received 414 complaints, however, due to an existing backlog of investigations, 23 of the complaints that were received in 2019 will be processed in 2020. Of those 391 complaints processed in 2019, 44 were opened as full investigations. The Commission ultimately issued 18 public Orders finding violations of the Ethics Act by public officials/public employees.

The Orders issued by the Commission in 2019 resulted in findings of violations of the Ethics Act and the imposition of financial penalties against a number of public officials/public employees, including a state university official, members of the boards of trustees of state universities, a state official, a former state representative, and local public officials of boroughs, townships, school districts, charter schools and authorities. The Orders found violations for filing back-dated Statements of Financial Interests and conflicts of interest, including diverting public monies for personal gain.

Orders of note issued by the Commission in 2019 included the following:

**Order No. 1763: Linda Tarlecki.**  
**Issued October 31, 2019.**

Linda Tarlecki, a Supervisor and Secretary - Treasurer for Conyngham Township, Columbia County violated Section 1103(a) of the Ethics Act when she converted public monies totaling \$141,137.44 for her use by issuing payments to herself which were not authorized or approved by the Board of Supervisors. Tarlecki was directed to make restitution of \$141,137.44 to the Township. The Commission also found Tarlecki in violation of Section 1104(a) of the Ethics Act for failing to file Statements of Financial Interests for calendar years 2013 through 2017 and fined her an additional \$529.18 for those violations. Tarlecki's case was also referred to law enforcement and the Internal Revenue Service for appropriate criminal action.

Tarlecki was charged criminally by the Columbia County District Attorney and is awaiting trial.

**Order No. 1750: Karen Peconi-Biricocchi.**  
**Issued May 9, 2019.**

Karen Peconi-Biricocchi, in her capacities as a Member of the City of Arnold Civil Service



Commission, a Member of City Council, and Mayor of the City of Arnold, was found in violation of Section 1103(a) of the Ethics Act for her actions related to her son’s hiring as a City police officer. Peconi-Biricocchi entered into a Consent Agreement and was ordered to make payment in the amount of \$10,000.00 to the City of Arnold.

respect to her participation in discussions and actions of the Board of Supervisors, resulting in the Township utilizing her employer, First Columbia Bank & Trust, as a banking/ financial institution.

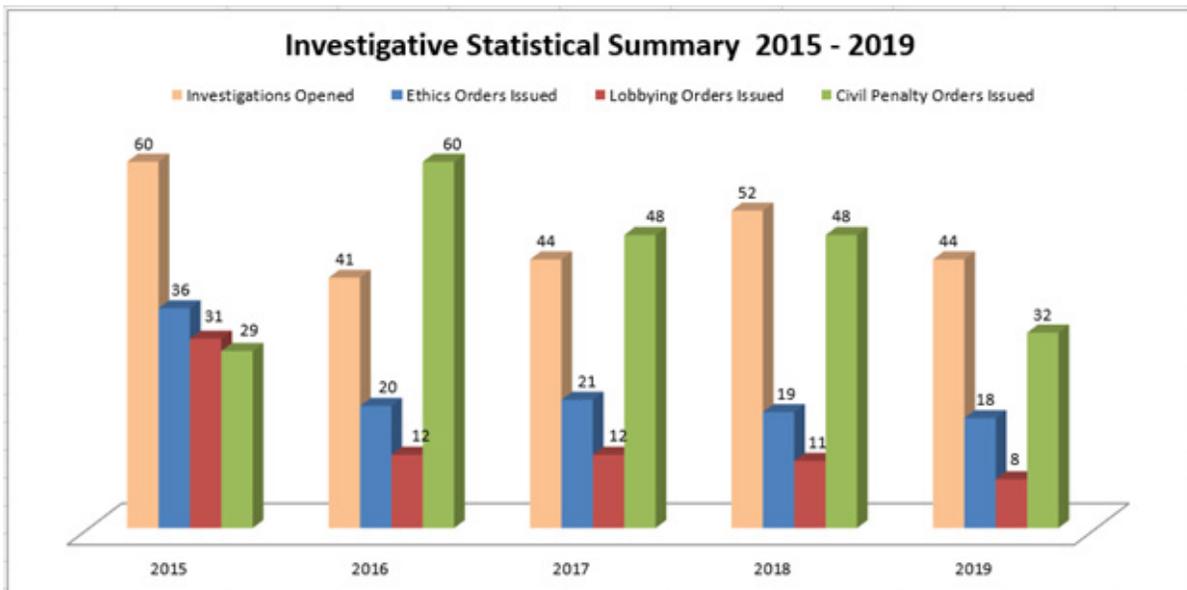
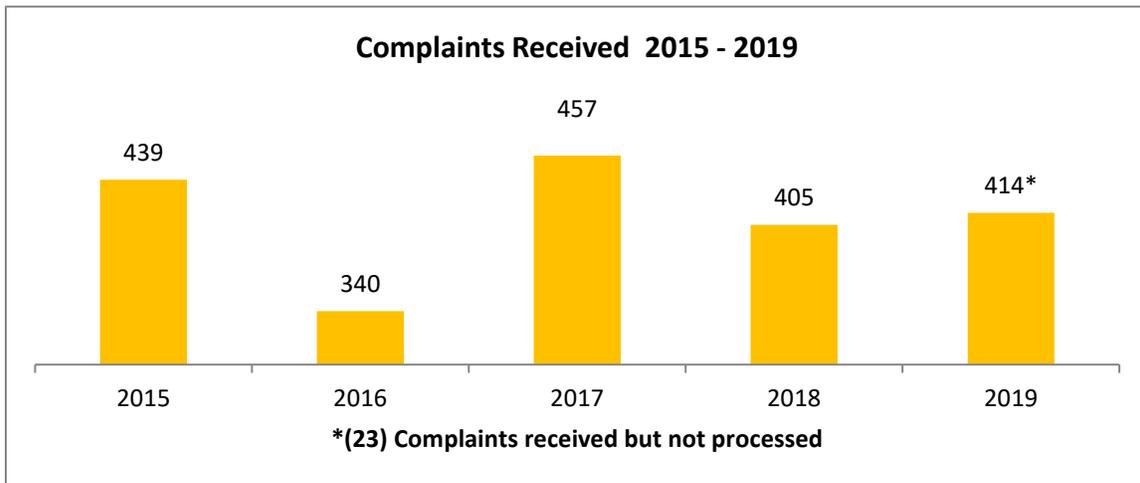
Densberger entered into a Consent Agreement and was directed to make a payment of \$4,000.00 in settlement of the matter.

The Commission also reviewed Densberger’s conduct in relation to her participation in the hiring of her husband as a part-time as needed employee and found a technical violation based on her participation in the hiring process.

**Order No. 1752: Michelle Densberger.**

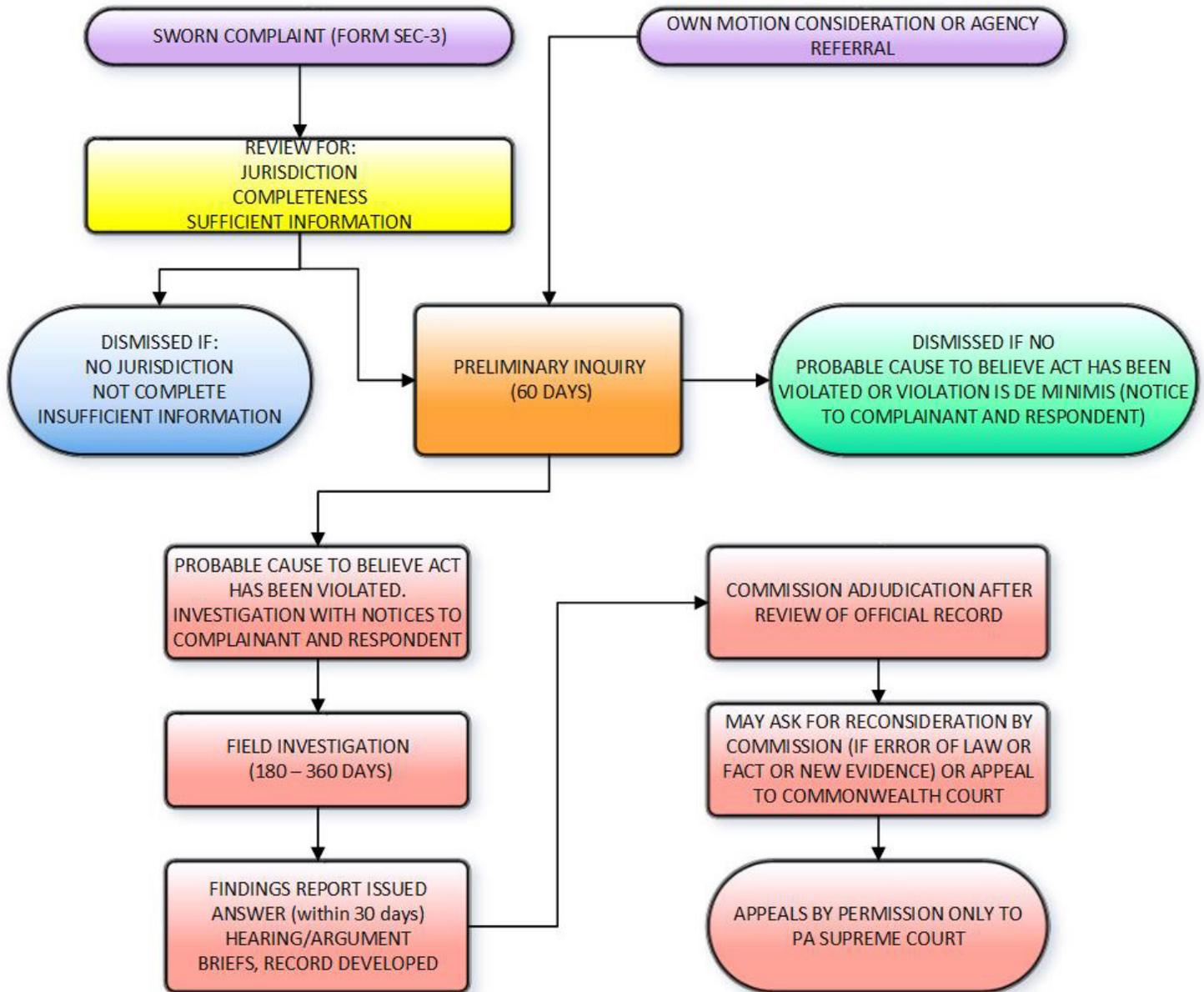
**Issued May 10, 2019.**

Michelle Densberger, a Supervisor for Madison Township, Columbia County, was found to have violated Section 1103(a) of the Ethics Act with





## 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 and issuing advisories. Responsibility for the administration of the registration and reporting requirements is vested in the Pennsylvania Department of State.

## ADVISORIES

From January 1, 2019, through December 31, 2019, the Commission issued three advisories under the Lobbying Disclosure Law, consisting of three Opinions.

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) ten 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 the 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 2019. The Commission, through the Investigative Division, monitors and enforces the Lobbying Disclosure Law 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 2019, 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.

During the reporting period for calendar year 2019, the Commission issued a total of 80 Warning Notice Letters to principals regarding their failure to file Quarterly Expense Reports as required by the Lobbying Disclosure Law. Eight of those principals so notified did not file their Quarterly Expense Reports and/or otherwise comply with the Warning Notice Letters within the cure period. Those eight principals were the subjects of Notices of Alleged Non-compliance, an action undertaken by the Investigative Division of the Commission seeking the assessment of monetary penalties against non-complying principals. In all, the Commission directed that a total of \$92,116.50 in penalties be paid to the Commonwealth and \$200.00 in costs be paid to the Commission. Of the eight Orders issued by the Commission, all were negotiated agreements.

## Commission-Ordered Penalties and Restitution

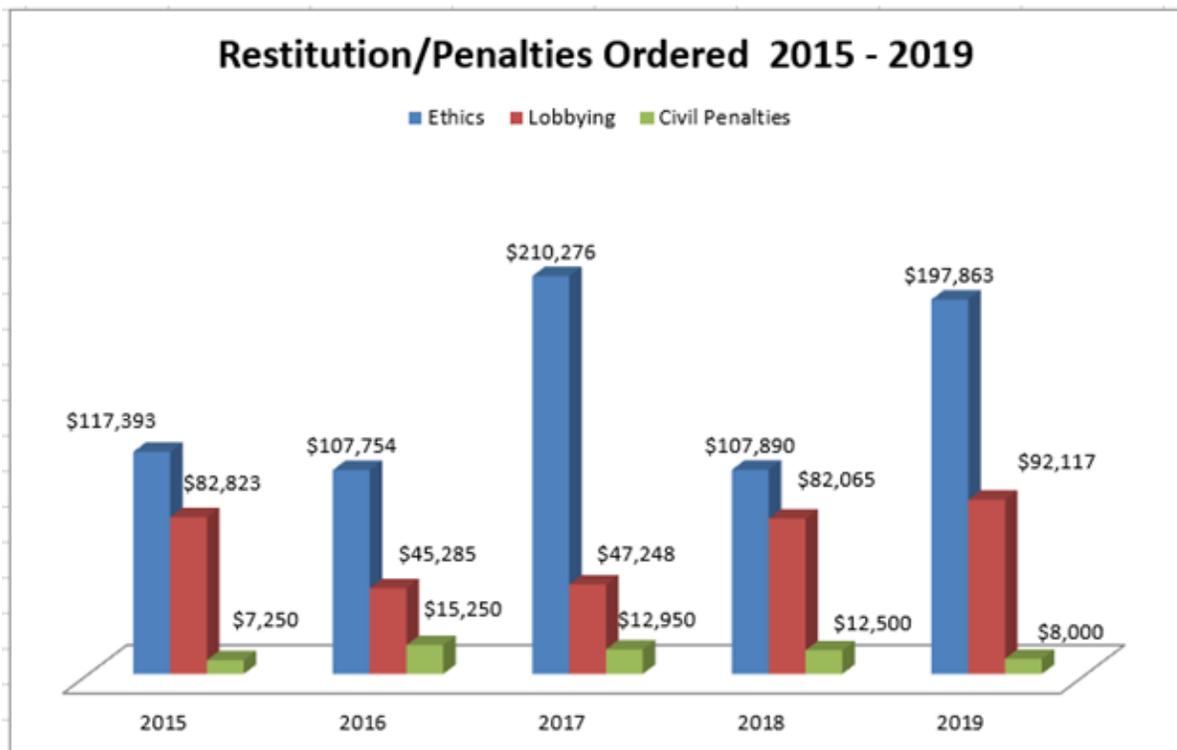
Pursuant to Section 1107(13) of the Ethics Act (65 Pa.C.S. § 1107 (13)), the Commission is empowered to issue findings, reports and orders relating to investigations initiated pursuant to Section 1108 of the Ethics Act (65 Pa.C.S. § 1108). Any order issued by the Commission finding that a public official or public employee has obtained a financial gain in violation of the 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 Damages provision. Pursuant to the Treble Damages provision, any person who obtains financial gain in violation of the Ethics Act may be 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 2019 the Commission ordered the payment of \$197,862.66 in restitution.

This amount 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 by the Ethics Act, 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 levied \$8,000.00 in civil penalties during calendar year 2019.

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, P.L. 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 2019, the Commission levied penalties totaling \$92,116.50 for late/deficient registrations and/or quarterly reports.



## 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, 2019, through December 31, 2019, there was one Determination issued by the Commission under the Gaming Act.

Paper copies of Commission Determinations are available at cost from the Commission. Determinations are also available 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).

### GAMING LISTS

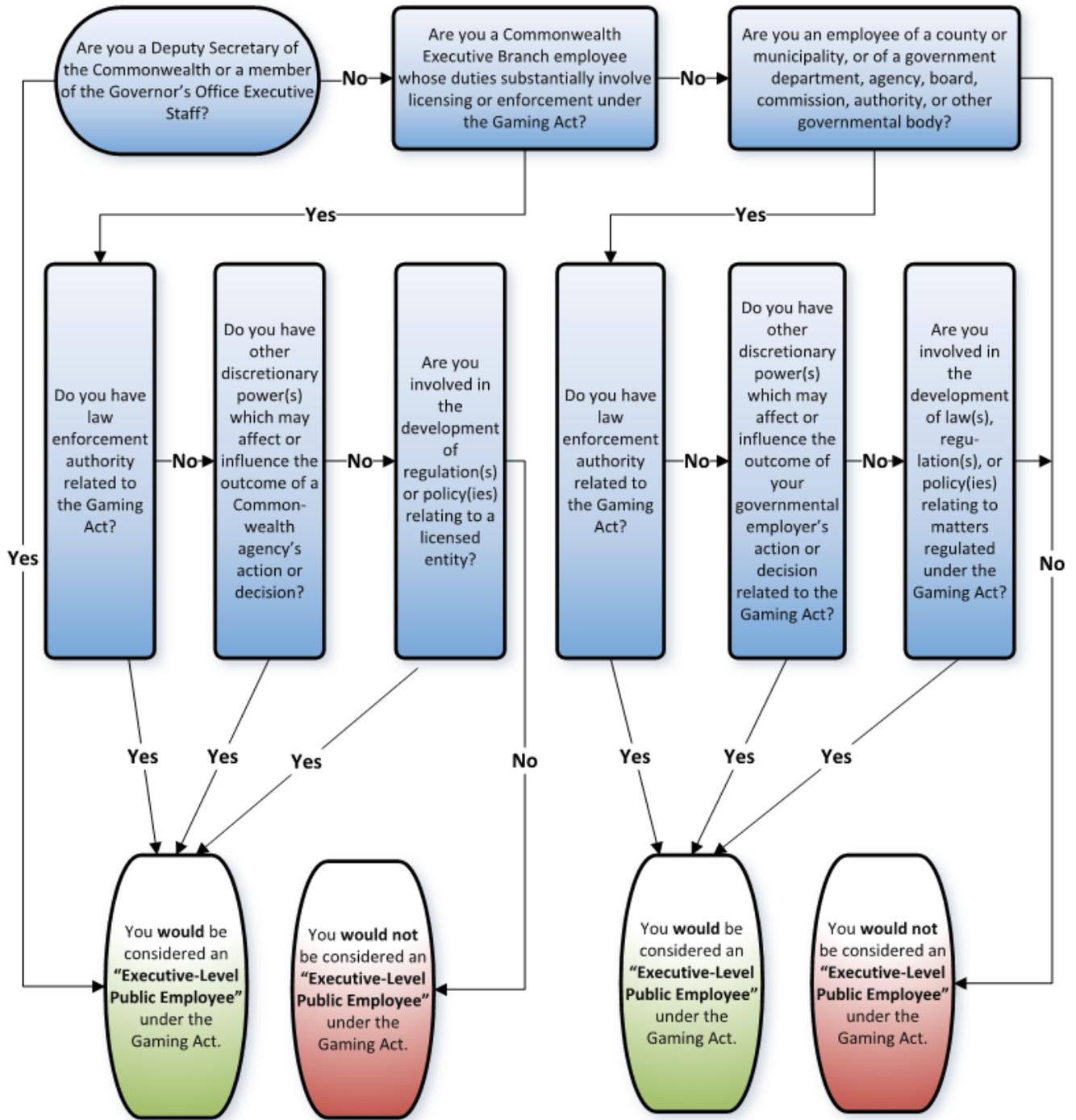
Lists developed by the Commission pursuant to the Gaming Act are published biennially in the Pennsylvania Bulletin, and they are also accessible via the Commission’s e-Library at [www.ethics.pa.gov](http://www.ethics.pa.gov) and via the Pennsylvania Gaming Control Board’s website at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov), 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.

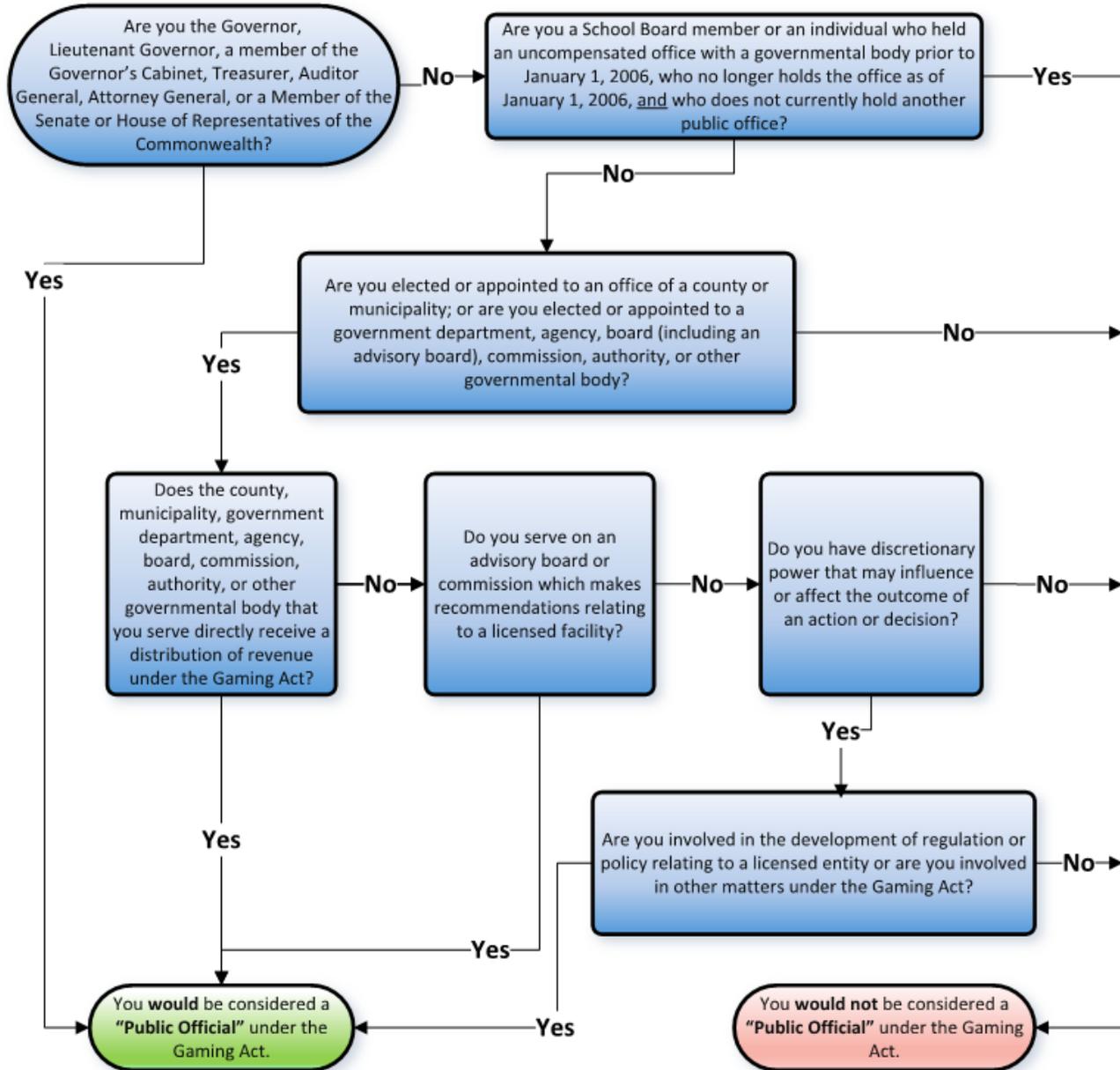


### GAMING ACT: EXECUTIVE-LEVEL PUBLIC EMPLOYEE FLOWCHART





## GAMING ACT: PUBLIC OFFICIAL FLOWCHART



## **ACT 42 OF 2017 (Video Gaming Act)**

Pursuant to Act 42 of 2017 (referred to herein as the “Video Gaming Act”), 4 Pa.C.S. § 3101 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 4303(g) of the Video Gaming Act or “executive-level public employee” set forth in Section 3102 of the Video Gaming Act, for the purpose of enabling the identification of persons who would be subject to certain prohibitions of Section 4303 of the Video 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 Section 4302(a) or Section 4302(b) of the Video 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 4304(a) of the Video Gaming Act;
- (4) Making a determination, upon request, as to whether a particular individual/person would be subject to the various prohibitions or “revolving door/post-termination” restrictions within the Video Gaming Act (see, 4 Pa.C.S. §§ 4302(d)(1), 4303(f)(1), 4304(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 4303 of the Video Gaming Act.

## **VIDEO GAMING ACT DETERMINATIONS**

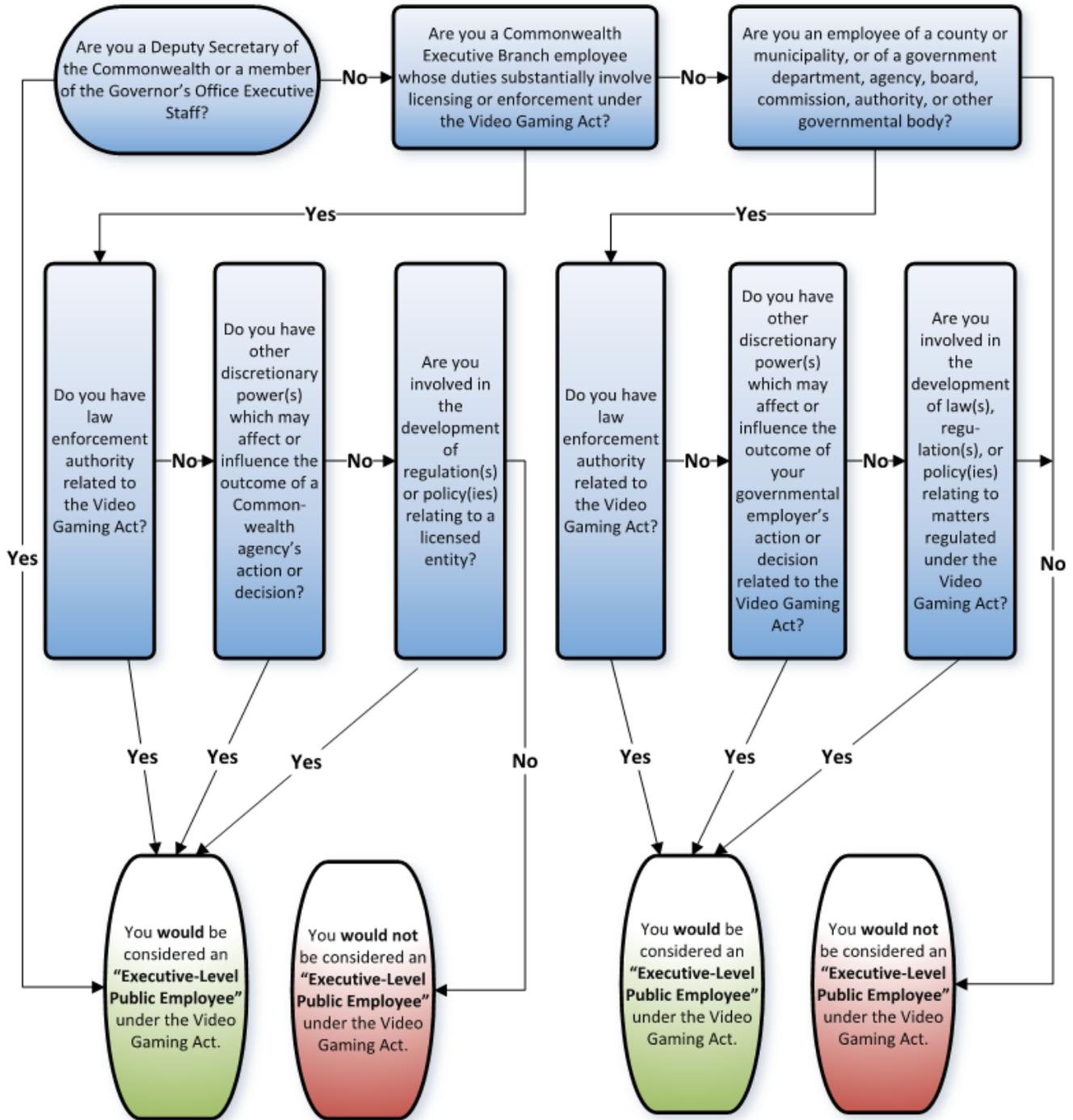
From January 1, 2019, through December 31, 2019, there were no requests submitted to the Commission for Determination(s) under the Video Gaming Act.

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

The term “executive-level public employee” is defined in Section 3102 of the Video Gaming Act. The term “public official” is defined in Section 4303(g) of the Video Gaming Act.

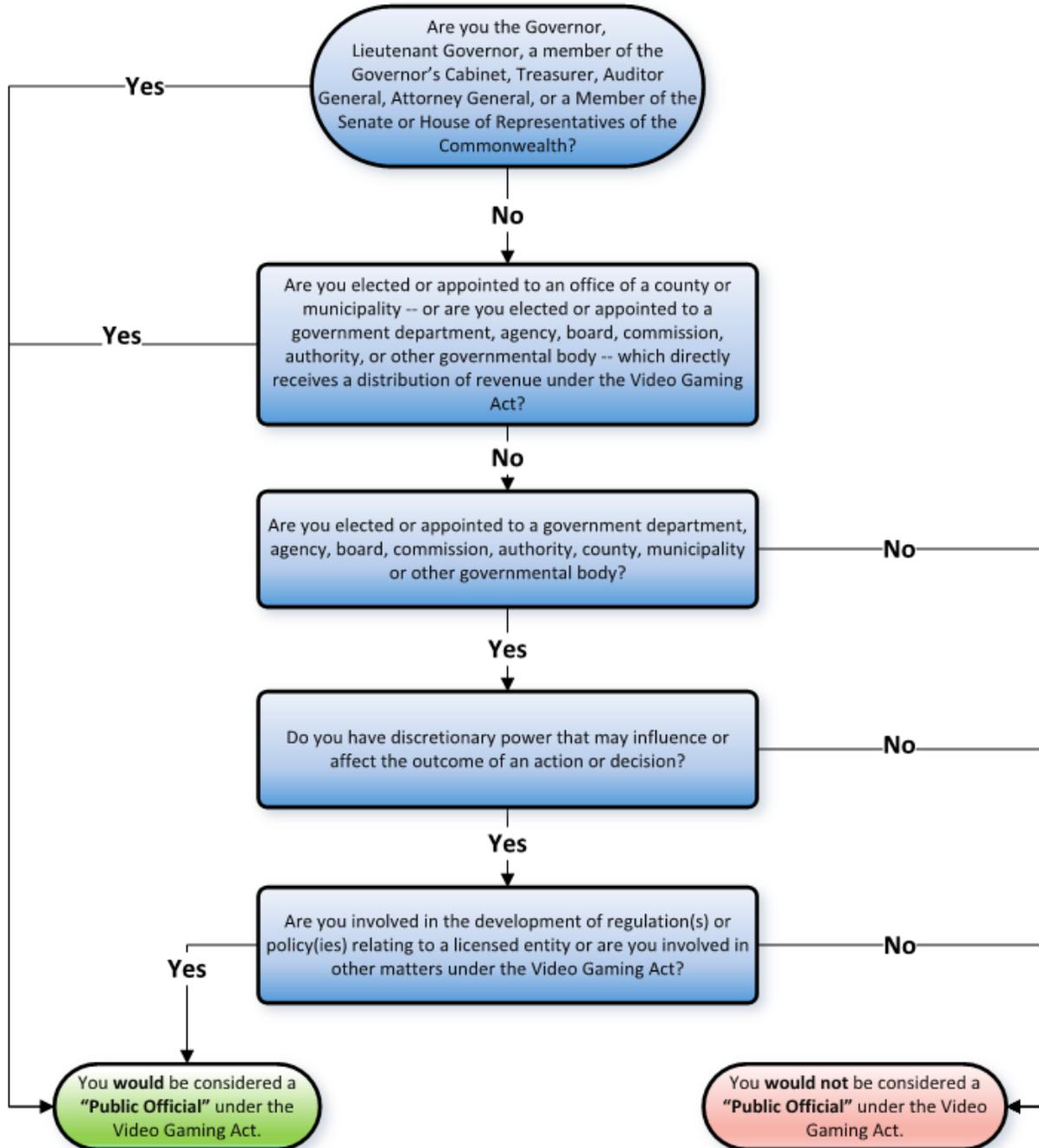


## VIDEO GAMING ACT: EXECUTIVE-LEVEL PUBLIC EMPLOYEE FLOWCHART





## VIDEO 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 DETERMINATIONS

From January 1, 2019, through December 31, 2019, there were no Determinations issued by the Commission under the Medical Marijuana Act. 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

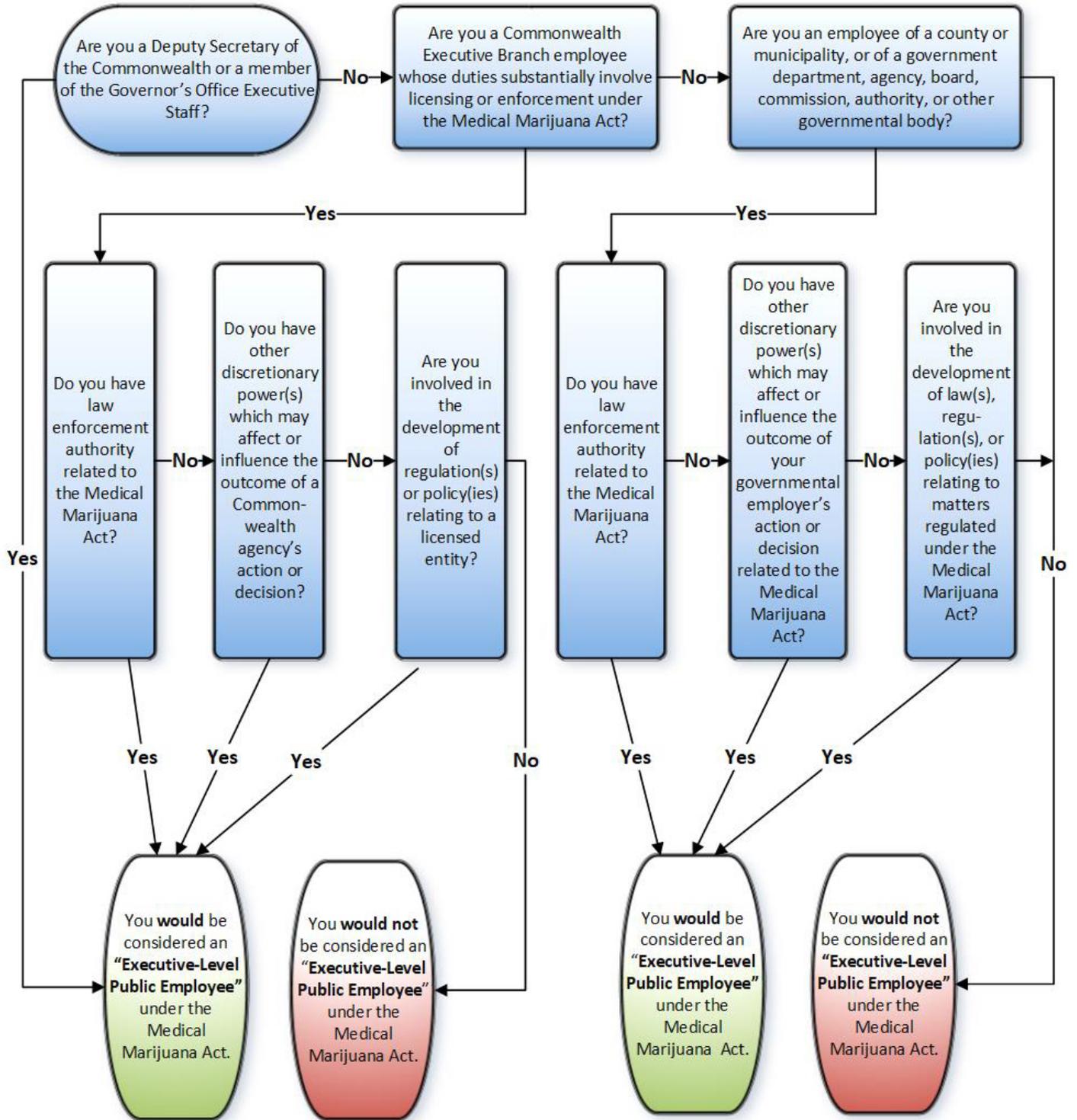
Lists developed by the Commission pursuant to the Medical Marijuana Act will be published biennially in the Pennsylvania Bulletin and will also be available within the Commission’s e-Library, which may be accessed via the Commission’s website at [www.ethics.pa.gov](http://www.ethics.pa.gov).

## 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.

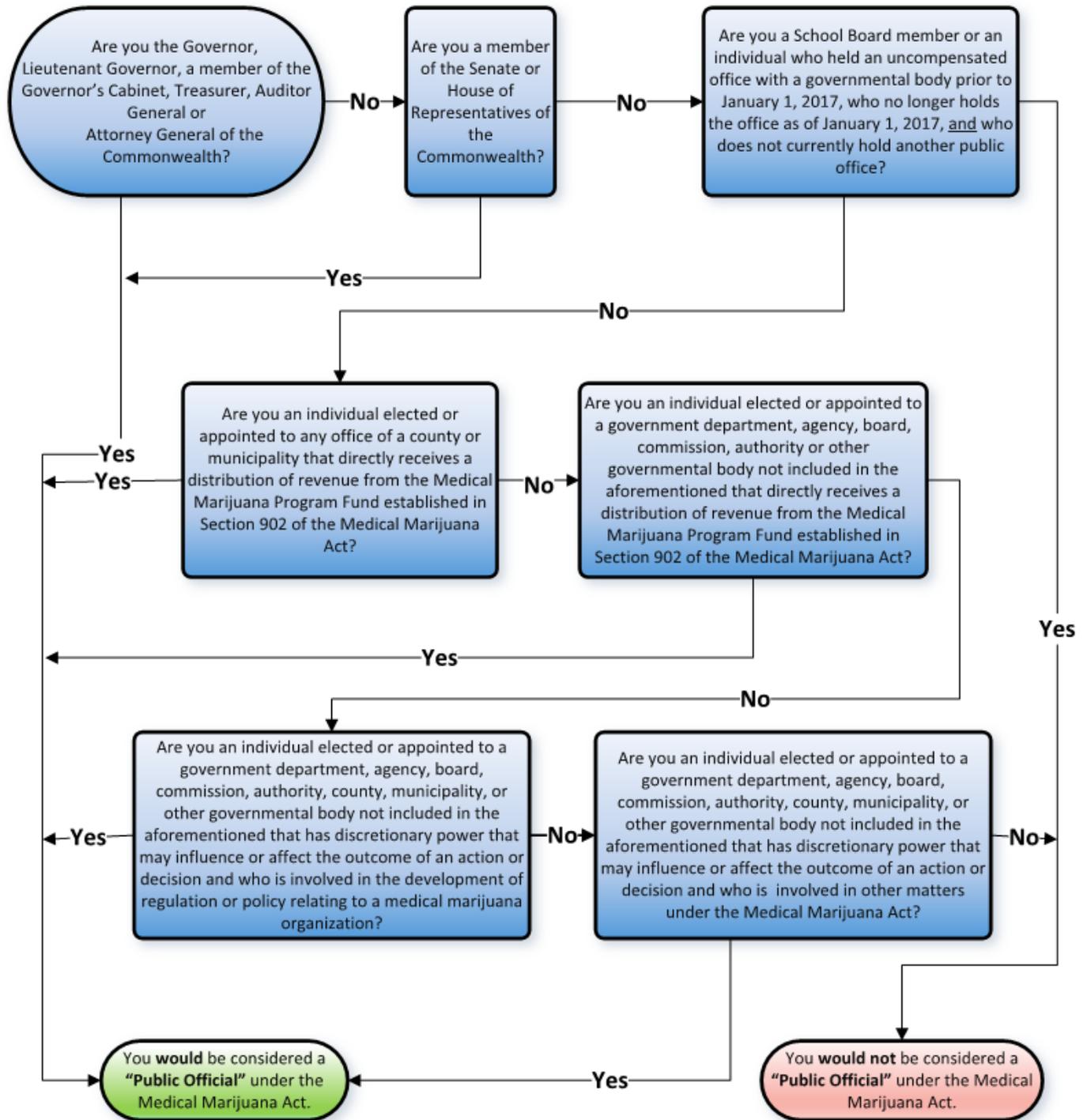


### MEDICAL MARIJUANA ACT: EXECUTIVE-LEVEL PUBLIC EMPLOYEE FLOWCHART





### MEDICAL MARIJUANA ACT: PUBLIC OFFICIAL FLOWCHART





## COGEL: Council On Governmental Ethics Laws

The Commission has continued to be active in the 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).

A Commissioner and two staff members attended the 2019 Annual COGEL Conference held in Chicago, Illinois from December 15-18, 2019.

The 2020 Annual COGEL Conference will be held virtually.

## Public Outreach and Training

The Commission considers its duty to educate public officials/public employees, as well as members of the public in general, a key factor in fulfilling its responsibilities under the Ethics Act. Through the Commission's public outreach efforts, thousands of public officials/public employees, who might otherwise receive no education or training regarding the Ethics Act, have been provided guidance in a seminar/classroom-type setting designed to encourage discussion. In 2019 Commission staff hosted an Ethics Exhibit at the Pennsylvania State Association of Township Supervisors (PSATS) annual convention, where attendees were afforded an opportunity to view the Commission's informational booth and engage in meaningful conversation with staff.

During calendar year 2019, Commission staff participated in 27 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 presentations geared towards local and state public officials and employees.

Ethics training/presentations occurred in 2019 at the Pennsylvania Association of Municipal Administrators (PAMA) 60<sup>th</sup> Annual Conference, Pennsylvania Municipal League's Conference at State College, and at locations in Greensburg and Horsham in support of the Pennsylvania State Association of Boroughs (PSAB). Commission staff provided a training at the PSAB's

Annual Conference in Hershey and also at PSAB's Pennsylvania Municipal Legal Update in Harrisburg. Trainings were also provided at the Pennsylvania County Elections Officials Conference, the Central PA Chapter of the Institute of Internal Auditors, the Lobbyaloosa Event sponsored by the Pennsylvania Association of Government Relations, and three locations in Breinigsville, Mars, and Camp Hill in support of the Pennsylvania Municipal Authorities Association (PMAA).

Presentations were also made to the following state agencies and city offices: City of Easton, Governor's Office of Administration, Pennsylvania State Employees' Retirement System, Pennsylvania State Police, and the Public School Employees' Retirement System. In addition, Commission staff participated in a debrief with the Governor's Office of Performance Excellence with regard to the filing of Statements of Financial Interests by State board members.

Commission staff also participated in several Ethics panels: Business Ethics Panel for the Employment, Banking and Revenue Delivery Center's Mentoring Program under the Governor's Office of Administration; General Government Delivery Center's Mentoring Program under Office of Administration regarding Integrity and Ethical Conduct within and outside of the Workplace; Ethics in Leadership for the Education Policy Leadership Center for the Education Policy Fellowship Program.

Local trainings occurred at the Lawrence County League of Municipalities, the Pennsylvania Association of School Administrators, Upper Chichester Township, and a presentation was made to the law students of Widener University.

Commission staff also made presentations at the Criminal Justice Career Symposium, hosted by the Criminal Justice Career Center, on the topic of Non-traditional Law Enforcement Employment as well as a presentation for the Internship Program at the Pennsylvania State System of Higher Education.

These presentations were all well received and attended by thousands of individuals in total. The Commission expects to continue its training efforts for calendar year 2020. It is estimated that between 2,500 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

FINANCE BUILDING  
613 NORTH STREET, ROOM 309  
HARRISBURG, PA 17120-0400

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

FAX: (717) 787-0806

PHONE: (717) 783-1610

TOLL FREE: (800) 932-0936