

# City of Philadelphia Board of Ethics



## From the Executive Director



Even though the new Ethics Board was established less than a year ago, I think we've already made

a positive impact on both the awareness of and compliance with the city's public integrity laws, which we oversee.

Whether it's enforcing the city's first-ever campaign contribution limits, teaching city officials about the conflicts-of-interest rules, or providing advice to officials and candidates on how to comply with the rules, it all boils down to this: Strengthening confidence in city government by making sure that officials always act and spend the public's money in the public's best interest.

Since January, we have been most visible in the area of cam-

aign finance, working to enforce the city's new contribution limits that are designed to eliminate the influence of large political donors on our elected officials. Although the new law constitutes a sea change in terms of how city campaigns are run, the vast majority of candidates and political committees made every effort to follow the new rules.

But I am equally proud that through our citywide ethics training program, over 25,000 city employees have attended our seminars on ethics laws and regulations.

To my knowledge, it is a training program unprecedented in the country. No other major city has provided live ethics training to its entire workforce. Its positive reception has confirmed my belief that the overwhelming majority of city workers want to do the right thing.

It's also fair to them to show them where the boundaries are. If we are going to hold city officials and employees to high standards, it's only fair that we first make it clear what those standards are.

Hopefully, this newsletter will help increase understanding of our public integrity laws and about the Ethics Board's mandate to enforce those laws and to provide guidance to those individuals who are subject to them.

I'd encourage you to visit our website: [www.phila.gov/ethicsboard](http://www.phila.gov/ethicsboard) if you have a concern, want an informal legal opinion from our general counsel or simply want to know what we are up to.

J. Shane Creamer, Jr.

### Board Meeting Schedule:

November 20, 2007 at 12 pm

December 18, 2007 at 1 pm

The board meetings are held in our offices at the Packard Building, 1441 Sansom Street, 2nd Floor, Philadelphia, PA 19012.

### Inside this issue:

From the Executive Director	1
Ethics Bills and City Council	1
New Deputy Joins Board	2
Your Ethics IQ	3
From the Chair	3

## Ethics Bills and City Council

Councilman Frank Rizzo has introduced four bills in City Council to enact various points of the "Ethics Reform Agenda" proposed by the Committee of Seventy. All are scheduled for a hearing November 13th in Council's Law and Government Committee. A very brief summary of each bill follows:

- Bill No. 070172: Adds a

new chapter (entitled "Lobbying") to the City Code, requiring lobbyists and their clients (referred to as "principals" in the bill) to register with the Board of Ethics and principals to file quarterly expense reports reporting on lobbying any City official for administrative or legislative action.

- Bill 070705: Amends the City Ethics Code to add provisions prohibiting nepotism, that is City officers and employees hiring or taking other employment actions affecting their own relatives.

See Page 2 for Ethics Bills

## Ethics Bills

- Bill 070795: Amends the City Ethics Code to prohibit City officers and employees from being employed by certain entities having or seeking business with the City. This provision is similar to restrictions in Sections 10-100 and 10-102 of the City Charter, but extends more broadly as to City officials covered and types of employment restricted.

This is not a "conflict of interest" rule since the restriction applies even if the official/employee takes no official action affecting the outside employer.

- Bill No. 070828: Amends the City Ethics Code provision on gifts to expand the

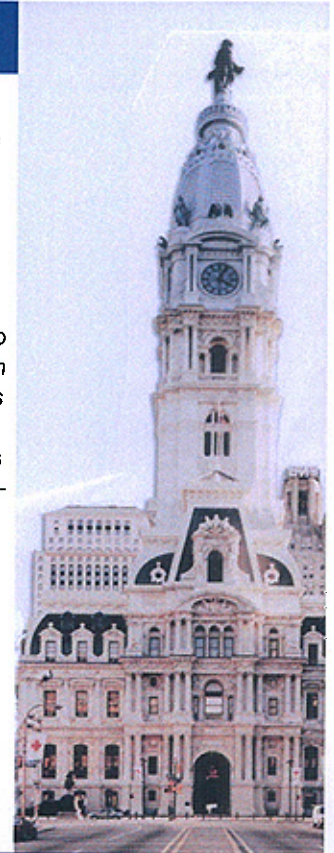
restrictions on gifts that may be offered to and accepted by City officers and employees.

The bill essentially adopts the provisions of Executive Order 002-04 and applies them to officials outside the Administrative and Executive Branch of City government. Thus, it replaces the current unclear Code standard prohibiting gifts "of substantial economic value that might reasonably be expected to influence" the recipient.

The bill clearly defines prohibited sources of gifts, makes it clear that there is no minimum value below which a gift is permissible, and provides a few limited exceptions, such as for gifts from family and small birthday gifts from co-

workers. Also, the bill incorporates prior Board of Ethics advice on what may be accepted as a "gift to the City" (and thus not to any particular official/employee at all).

*Note: It should be remembered that the introduction of a bill is no guarantee that the bill will pass in a certain time period, will pass as introduced without amendment, or will pass at all. The above bills are proposed legislation for Council to consider; they are not yet law.*



## New Deputy Joins Board

Nedda Gold Massar, legal director to the New Jersey Election Law Enforcement Commission since 2003, joins the Board of Ethics November 19th as deputy executive director.

"She brings vast experience from a well-established and highly successful state agency," said board executive director J. Shane Creamer, Jr. "Here we see her as focusing on education, training and policy research."

In Trenton, Massar supervised 18 staff members with responsibility for enforcing candidate and committee contribution limits, reporting requirements for PACs and lobbyists, and "pay to play" restrictions. She also supervised the Public Fi-

ancing Program for the gubernatorial elections and the Clean Elections program, a pilot project for public financing in three legislative districts.

"I've worked here for over 21 years," said Massar, who joined the commission in 1986 as an assistant staff counsel. "This agency is a fixture in New Jersey. I was excited about the possibility of that in Philadelphia. It's a rare opportunity to shape and mold and create something. I saw this as an unbelievable opportunity."

Massar, who has also taught at the high school and college level, said she looked forward to broadening her role from enforcement and investigation into "educating candidates and

educating the public."

In addition to her commission job, she is past president of the national Council on Governmental Ethics Laws (COGEL) and a frequent speaker on ethics issues including "pay to play."

A native of Trenton, Massar is a 1969 graduate of the University of Pennsylvania and a 1982 graduate of the law school at Rutgers/Camden. She currently lives in East Windsor.

Creamer said the Board would continue to add staff in the coming months. Positions to be filled will include a deputy general counsel; a director of enforcement, who must be a lawyer; an investigator; and a director of information technology.

*"She brings vast experience from a well-established and highly successful state agency,"*

## Your Ethics IQ

The Board of Ethics seeks to educate political candidates and campaign contributors; City officers and employees; and those who do business with them. We also provide answers to specific questions. We hope this feature of the newsletter will serve that purpose.

The Q&A, based on inquiries the Board has received, is intended as a general guide only. When answers are linked to other resources on the Board's website, please refer to them for further guidance.

As always, in particular situations it is best to provide full facts and the precise question to the Board of Ethics and request an opinion addressed to your unique situation.

Q) You are a city official with discretion to make or recommend important financial decisions. An outside vendor, who may be seeking City business, invites you to dinner at a nice restaurant to "explore ways in which we can be helpful."

May you accept this free meal as part of your job to evaluate possible vendors?

A) No. The invitation is clearly an attempt to "grease the wheels" of obtaining city business by wining and dining city officials with an expensive meal. The city needs to move on past the "Pay to Play" culture where businesses expect decisions to be made not simply on merit. The investment firm can just as easily tell their story at a meeting at your City offices, or their own, with no meals or other gifts included.

Q) A non-management employee of a city agency plans to resign to take a job with a company that has several contracts with

the city. Is there any bar to his doing so and what restrictions would apply?

A) He is generally free to take a new job, but must avoid certain interests and representation once he does so.

- For one year, he may not represent anyone, including his new employer, before any City agency.
- For two years, he can't have a financial interest in any decision by the City in which he participated.
- He can never represent anyone in a matter he worked on while with the city.

Q) Once a primary and general election are over and a candidate is seeking contributions to retire his or her debt, do the contribution limits still apply?

A) Absolutely. Otherwise the limits would be meaningless. Candidates could run their campaigns at a deficit if they knew that they could accept unlimited contributions once the election is over.



## From the Chair



With this being our first Newsletter, I wanted to take the opportunity of sharing

my motivation for accepting the Mayor's invitation to serve on Philadelphia's first independent Board of Ethics and some thoughts about the Board's role.

First, some brief personal history.

After a very satisfying legal career with a local law firm, I joined City government for the first time in 2004, becoming Senior Advisor to first, Managing Director Phil Goldsmith then to his successor, Pedro Ramos.

Not too much time elapsed

before I realized that Philadelphia was blessed with many talented and dedicated public servants whom, I believed to be honest and wanted to do the right thing. When a highly publicized "pay to play" scandal created the environment for a Charter change that would create an independent Board of Ethics, I jumped at the chance to become involved in its creation and development.

The new legislation had teeth and provided Board members insulation from political vagaries. There is full investigative and enforcement power covering all city employees, independent funding, Board member terms extending beyond an individual Administration, and the inability to remove Board members except for cause. Everything, therefore, is in place to demonstrate

that Philadelphia is a city that takes ethics seriously.

In the Executive Director's report earlier in the Newsletter, he describes our citywide ethics training program. The next section describes four new bills introduced by Councilman Rizzo that touch on proposals of the Committee of Seventy's Ethics Reform Agenda and which the Ethics Board has been requested to testify on.

While mandated training of all City employees and new clear, comprehensive, simple and sensible rules are conducive to raising the ethical bar in Philadelphia, in my judgment, the Board's responsibilities do not end there.

We must commit to sensitizing city officials to the need to ask

before acting and that our central focus should be on prevention not punishment. In this way we can promote both the reality and perception of an ethical culture in government and to ensure that government does what it uniquely should do, and that is to make a positive difference in the lives of its citizens, unsullied by considerations of personal gain or advantage.

For all these reasons, I am honored to serve.

Richard Glazer

*Richard Glazer is a founder of the law firm Cozen O'Connor. Biographies of other members may be found on our website. There is one vacancy awaiting mayoral appointment.*



*City of Philadelphia  
Board of Ethics*

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**Honesty, Integrity, Transparency**

*In December 2005, the City passed legislation that would establish a new, independent Board of Ethics, subject to voter approval of an amendment to the Philadelphia Home Rule Charter. On May 16, 2006, Philadelphia voters overwhelmingly approved that amendment to the Charter. The Mayor appoints the five members of the new Board of Ethics, with the advice and consent of City Council.*

*On October 19, 2006, Mayor John F. Street nominated five candidates to the new Ethics Board. City Council's Committee of the Whole held a confirmation hearing on November 14, 2006, and unanimously confirmed the nominees on November 16, 2006.*