

# Philadelphia Documenters

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## Board of Ethics Public Board Meeting

Documenter name: T.J. Jourian

Agency: None

Date: June 21, 2023

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### Takeaways

What are the key discussions, votes or outcomes from this meeting that you think everybody should know? Highlight up to four—think of these as the one-sentence previews or headlines for the rest of your notes.

- City Council approved the 2024 operating budget with an additional \$170,000 (total \$1,382,004) and two additional staff positions (total 14) for the Board of Ethics
- New staff attorney, Julia Sheppard, joined BOE staff as of June 20th and will be providing guidance on ethics of public integrity laws
- Board authorized the advertising and hiring of a Public Administrative Analyst
  - \$46,022-\$59,162 salary
  - Position would have a compliance focus and support enforcement
  - Reports to Bryan McHale

### Follow-Up Questions & Observations

What are you left wondering? What observations or learnings are you taking away from this meeting? What do you feel, think or predict?

- Noticed Adam Bonin, who asked questions, was present in at least one past BOE meeting (May 17th) and others were familiar with him. Curious about his interest in and/or history with the BOE
  - Hoping the request to post key pleadings on the BOE website is met to increase public transparency
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## Pre-Research

The [Philadelphia Board of Ethics \(BOE\)](#) administers and enforces the City's public integrity laws. BOE focuses on:

- Financial disclosures
- Campaign finance rules
- Lobbying
- Gifts and gratuities
- Conflicts of interest
- Post-employment activities and representation
- Political activity restrictions for City employees and officials

BOE advises on possible ethics violations, educates others on rules and regulations, conducts investigations, and enforces ethics rules. Formed in 2006, the independent, five-member board is appointed by the mayor and approved by City Council for five-year terms.

### Board members

Chair - Michael Reed, Esq.

Sanjuanita González, Esq.

Brian J. McCormick, Jr., Esq.

JoAnne A. Epps, Esq.

Ellen Mattleman Kaplan, Esq.

### Staff

Executive Director - J. Shane Creamer, Jr.

Dakota Baeringer (staff attorney)

Richard Barzaga (senior staff attorney)

Dani Gardner Wright (director of training and outreach)

Jordana Greenwald (acting general counsel)

Michael Gutierrez (senior staff attorney)

Thomas Klemm (senior staff attorney)

Bryan McHale (public integrity compliance services supervisor)

Hortencia Vazquez (legal support services coordinator)

### **The anticipated meeting agenda is as follows:**

1. Call to Order
2. Approval of the Minutes for May 17th, 2023
3. Executive Director's Report

4. General Counsel's Report
5. Hiring Matter
6. New Business
7. Questions/Comments
8. Sunshine Act Announcement
9. Executive Session

## Notes

### Participants:

19 total - all Board and Staff members listed above, BOE Staff Attorney Julia Sheppard, 3 non-board or staff ([Adam Bonin](#), [Sarah Stevenson](#), [Sean Walsh](#)), and a Documenter.

[1:03:00] Meeting starts

Minutes for the May 17th, 2023 meeting are approved.

### Executive Director's (Shane Creamer) report

Litigation update on [For a Better Philadelphia](#) - BOE filed an amended report with judge [Roberts](#). Respondents filed a response on June 5th. Court objections are due June 26th.

City Council approved the 2024 operating budget on June 15th. BOE has received an additional \$170,000 and two additional positions, bringing the total staff up to 14 positions. Currently 10 are filled. Total budget for 2024 will be \$1,382,004.

Staff activity: On May 18th, Bryan McHale cohosted an event covering topics on the [Freedom of Information Act](#) and open government. The event covered the increasing presence of artificial intelligence (AI) tools in right to know requests.

Questions from the board:

Ellen Kaplan: Is this the first increase in the BOE budget?

Michael Reed: No

Shane Creamer: There was one increase in the 2nd Nutter administration, asked for \$50,000, received \$37,500 "I believe." Last year Mayor Kinney gave the BOE an additional \$150,000. So this would be the BOE's 3rd increase in addition to incremental increases, civil service raises, and additional funding every few years

for temp employees. 17 years ago, BOE budget was \$1 million.

General Counsel's (Jordana Greenwald) report:

Julia Sheppard joined the staff as a staff attorney as of June 20th. She will be providing guidance on ethics of public integrity laws and will be working with the Director of Training and Outreach to present trainings. She's a 2020 graduate of Temple University Beasley School of Law and most recently she was a public defender with the [Defenders' Association of Philadelphia](#).

One June 15th, BOE presented the first long-form training focused on job search and post-employment laws [for current administration's staff]. Had good interest in this session and have another one scheduled for July. Will keep offering this session during the transition period for the administration. In addition to the long-format, also provided shorter overview of post-employment laws.

[Screen shared for presentation]

Training Calendar 5.13.23 - 6.16.23						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
14	15	16	17	18 General Ethics PWD Supervisors DG & TK	19	20
21	22 General Ethics Streets Laborers DG & DB	23	24	25	26	27
28	29	30 General Ethics DG & TK	31	1	2	3
4	5	6 Mayoral Transition Webinar (2x) TK	7	8 Mayoral Transition Webinar (2x) DG	9	10
11	12	13	14	15 Post-Employment Webinar DG & JG	16	

Had 302 people in 5 different sessions on post-employment, “really positive and hope to continue seeing lots of people.” Also had 122 people in 3 general ethics sessions.

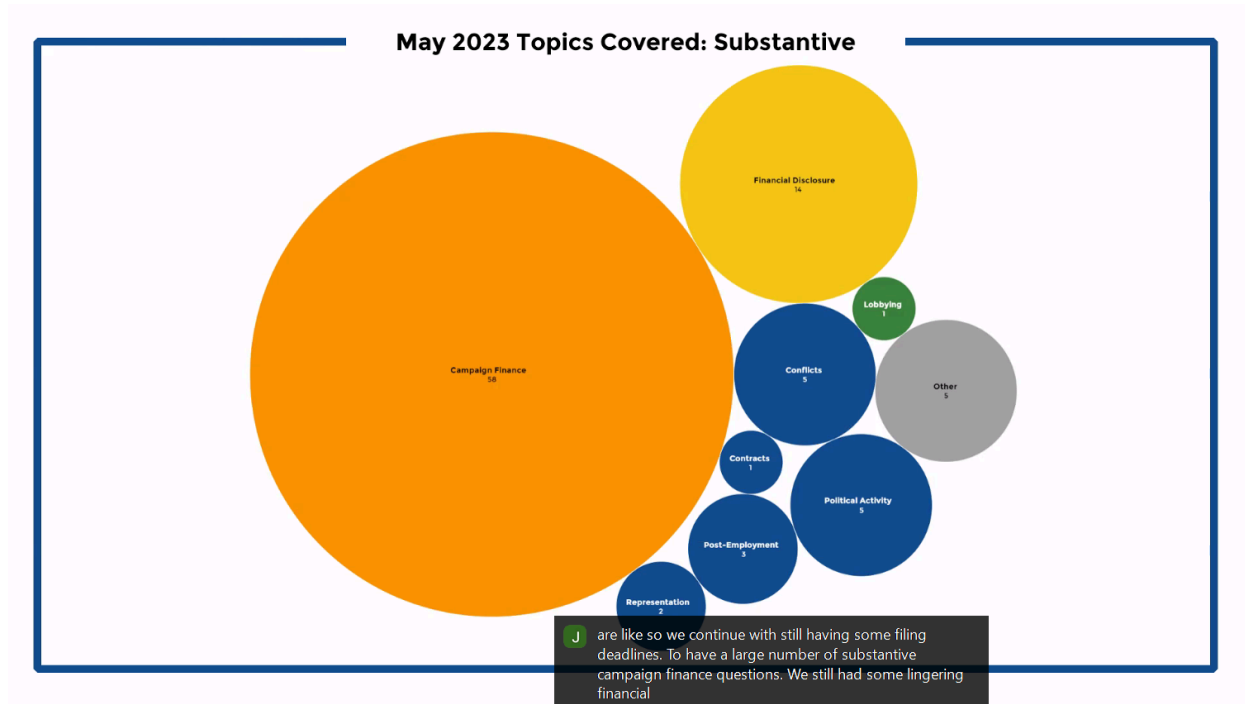
Question from Ellen Kaplan: Thought job search and post-employment was the same. What's the difference between mayoral transition and post-employment?

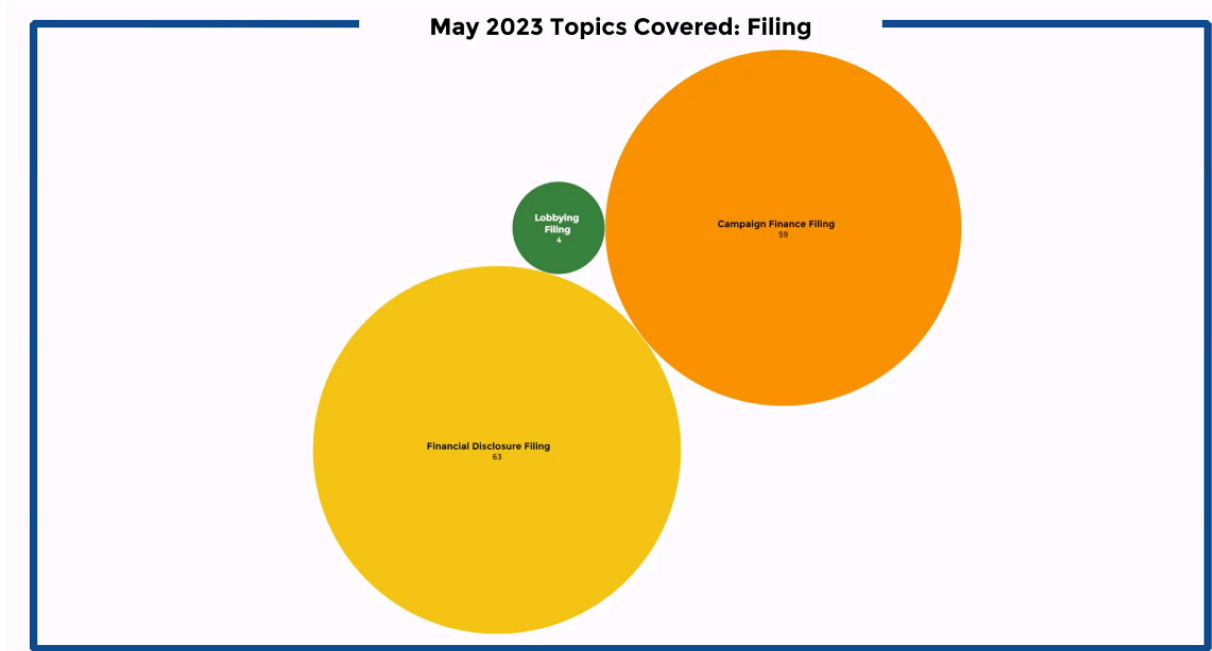
Jordana Greenwald: Post-employment is a BOE webinar, about 40 minutes, presented alone. Mayoral transition webinars are longer meetings for people who

have questions or want more information about the transition process as a whole hosted by city administration, where BOE did a quick overview of post-employment rules.

[continued with presentation]

Had about an even number of substantive (87) and filing requests (78) in May.





“Next month we probably will see that [filing requests] shift a little bit, but we expect particularly campaign finance to continue to be exciting throughout the rest of this year.”

Questions of note from sessions [verbatim from slides]:

Q: Can a city employee be a [Block Captain](#)? In that role, can they collect signatures from residents as part of a City permit application process?

A: Yes, a City employee can be a Block Captain, but they must comply with the conflict of interest and representation rules of the Ethics Code. For example, a City employee serving as a Block Captain may collect signatures needed to submit a routine permit application because the employee is not interacting with any government entity or representing anyone as an attorney or agent. In contrast, appearing on behalf of block residents to appeal a permit denial would be prohibited representation.

Q: Do [doubled contribution limits](#) apply to the General Election?

A: Yes, those offices which had doubled limits for the Primary Election (Mayor, Council At-Large, Sheriff, Controller) will continue to have doubled limits for the General Election. This is true even if the candidate who initiated the doubled limits is not running in the General Election.

Q: What happens to the political committee of a former candidate? Must the committee

continue to file [campaign finance](#) reports?

A: A candidate committee (or any other political committee) must file at least a Cycle 7 Annual Report each year until the committee is terminated. Under state law, a committee cannot be terminated so long as a candidate political committee has funds or is carrying debt. It can zero out its account by paying off its debts, spending leftover funds on other elections or returning such residual funds to contributors. If the committee makes expenditures to influence an election, the committee is also required to file a campaign finance report for any cycle in which it made such expenditures. Once a committee zeroes out its account and has no remaining funds or debts, the committee may file its next campaign finance report as a termination report.

Adam Bonin [typed in chat]: “To confirm on this: spending to influence an election (and triggering reporting) includes paying off debt from an unsuccessful primary election? Or can that wait until Cycle 7?”

Jordana Greenwald [answered verbally]: correct, “but check separately with us”

Q: May a City Council employee serve as a board member of a SuperPAC?

A: No. Under the City’s [Political Activity Rules](#), City Council employees are allowed to work on campaigns for any elective office and serve as officers of partisan political groups. They are, however, still prohibited under [Charter Section 10-107\(3\)](#) from having any role in soliciting, collecting, or receiving contributions intended for any political purpose. Thus, while in theory a City Council employee could have a role in deciding how to spend money raised by a SuperPAC, they cannot as a practical matter serve as a board member of a SuperPAC without having “any role” in political fundraising. It should be noted that the Board has previously held in [Bd. Op. 2020-001](#) that an elected official may serve on the advisory board of a federal PAC and engage in fundraising within certain limitations. This holding, however, would not extend to a City employee.

### Hiring Matter

ED Shane Creamer: With new funding and two new positions a recommendation, which was previously discussed with board chair, Michael Reed, is presented to authorize the advertising and hiring of a Public Administrative Analyst. The role would be salaried between \$46,022-\$59,162, would have a compliance focus and support enforcement, and would be reporting to Bryan McHale. Motion to authorize advertisement process.

Authorized

ED Shane Creamer: There may be other hiring proposals soon. There are currently 3 vacant positions.

New business

None

Questions/comments:

Adam Bonin: With regards to the For a Better Philadelphia litigation, request for copies of key pleadings to be posted on the BOE website for public access

ED Shane Creamer: will look into that

[Sunshine Act](#) announcement:

Chair Michael Reed: BOE met via email to discuss confidential enforcement matters on the following dates: May 17, 24, 25, 31, and June 2, 4, 5. There was a board briefing on June 7th regarding potential legislative changes. And the board will be reassembling after this meeting in executive session

[1:28pm] Meeting ends

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**Note to reader:** Unless quotation marks are used, all text is paraphrased. If you believe anything in these notes is inaccurate, please email us at [documenters@resolvephilly.org](mailto:documenters@resolvephilly.org) with "Correction Request" in the subject line. Learn more about Documenters on our [website](#).