

**From:** McCurdy, Jessica [Jessica.McCurdy@city.pittsburgh.pa.us]  
**Sent:** Thursday, January 29, 2009 1:36 PM  
**To:** Werner, Eileen  
**Subject:** RE: ETHICS CODE

CHAPTER 197: CODE OF CONDUCT

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§ 197.01 ADOPTION.

There is hereby adopted by the City a Code of Conduct applicable to public officials and employees as defined hereby. This Code of Conduct is comprised of the following:

- (a) Sections 2, 3 and 4 of the Pennsylvania Public Official and Employee Ethics Law (65 P.S. Section 1101et seq. ) (the "State Statute"), as the same may be amended;
  - (b) Sections 308 (Prohibitions), 705 (Political Activity of Employees-Gifts), 706 (Prohibitions in General), 801 (Disclosure of Interests) and 807.5 (Ethics, Training if Required to File Statement of Financial Interests) of the City Charter, as the same may be amended;
  - (c) Section 161.17, as the same may be amended; and
  - (d) The provisions of this Chapter (collectively, the "Code of Conduct").
- The terms of the State Statute, the Pittsburgh Charter and the Pittsburgh Code referred to above are incorporated herein by reference.  
(Ord. 28-1990, eff. 11-28-90)

§ 197.02 DEFINITIONS.

All terms used in this Chapter, unless the context clearly requires otherwise, shall have the meaning set forth in the State Statute as supplemented by the below listed definitions and definitions set forth elsewhere in this Chapter. The definitions shall include both the singular and plural. Whenever any pronoun is used in this Chapter, it shall be deemed to include both singular and plural and to cover both genders.

- (a) AGENT. All agents of or persons or entities that enter into agreements with or otherwise act in a fiduciary capacity for the City in connection with contracts supported in whole or in part by public funds; for the purposes hereof, this term includes subrecipients, subgrantees or subcontractors of the benefits of City agreements.
- (b) BOARD. The Ethics Hearing Board of the City of Pittsburgh created pursuant to this Chapter.
- (c) CITY EMPLOYEE. Any individual employed by the City of Pittsburgh in any capacity. A City employee may or may not also be a public employee as that term is defined in the State Statute.
- (d) DIRECT FAMILY. A parent, spouse, child, brother, sister, grandparent or grandchild.
- (e) QUASI-JUDICIAL TRIBUNAL. A board or commission of the City which is required to investigate or ascertain facts and draw conclusions as a basis of its official action and to exercise discretion of a judicial nature. The term shall include, but not be limited to, the Zoning Board of Adjustment, the Planning Commission when considering a conditional use, the Historic Review Commission, the Board of Code Review, the Board of Standards and Appeals, the Board of Water Assessors, the Human Relations Commission and the Civil Service Commission.
- (f) INFLUENCE. The proposal of, the voting on or the participation in any legislative discussion of or attempt to influence the course of any proposed legislation of the city; the participation in the selection, award or administration, other than of a ministerial nature, of any contract, benefit or award to which the City is a party or which is supported by any public funds administered by the city; participation in any matter involving, other than on a ministerial basis, the inspection, regulation, licensing or auditing of an entity by or as required by the city.
- (g) INTERESTED PARTY.

- (1) A person or agent having or seeking to obtain a contract, grant, employment or any financial relationship with the City or any of its departments, agencies, boards, commissions or authorities;
- (2) A principal, agent and/or attorney in legal proceedings in which the City is then an adverse party; or
- (3) A person with an interest that may be substantially affected by the performance or nonperformance of the official duties of the public official or City employee.  
(Ord. 28-1990, eff. 11-28-90)
- (h) CONTRACTOR. A person who enters into a contractual relationship with the City to provide a service or product, or to perform construction in exchange for compensation.
- (i) PUBLIC OFFICIAL. Any person elected by the public or appointed by a governmental body or an appointed official in the executive legislative or judicial branch of this Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expenses or to otherwise exercise the power of the State or any political subdivision thereof.
- (j) PUBLIC EMPLOYEE. Any individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:
- (1) Contracting or procurement;
- (2) Administering or monitoring grants or subsidies;
- (3) Planning or zoning;
- (4) Inspecting, licensing, regulating or auditing; or,
- (5) Any other activity where the official's action has an economic impact of greater than a de minimus nature
- The term shall not include individuals who are employed by this Commonwealth or any political subdivision thereof in teaching as distinguished from administrative duties.
- (k) IMMEDIATE FAMILY. A parent, spouse, child, brother or sister.  
(Ord. 27-1992, eff. 6-23-92; Ord. 12-2004, § 1, eff. 7-20-04)

#### § 197.03 CONFLICT OF INTEREST.

- (a) No public official or public employee shall exert influence with respect to property or a business with which he or a member of his or her direct family is associated.
- (b) Voting conflicts which may arise for members of Council or members of boards or commissions shall be resolved in the manner provided for in the State Statute and the Charter. Any other public official or public employee for which there exists a conflict of interest with respect to proposed action of Council or any City board or commission and who in the discharge of his or her official duties would be required to participate in discussions or give an official opinion or recommendation to Council, the board or the commission, shall disclose on the record of Council, the board or the commission the nature and extent of interest.
- (c) No public official nor a member of his immediate family shall:
- (1) Apply for or otherwise seek approval from the Pennsylvania Gaming Commission to engage in any act or activity which is regulated under the provisions of Pennsylvania Act 71 of 2004 known as the Pennsylvania Race Horse Development and Gaming Act; or,
- (2) Own any portion of any slot machine licensee, manufacturer licensee, supplier licensee, or other entity licensed by the Pennsylvania Gaming Control Board under Act 71 of 2004.
- (3) There shall be no conflict of interest or violation of this Section 197.03 if an immediate family member of a public official owned a portion of any entity as of July 13, 2004 and such entity thereafter applies for or seeks approval to engage in activities specified in subparagraph (c) (1) above or thereafter owns any portion of a licensee specified in subparagraph (c) (2) above.  
(Ord. 28-1990, eff. 11-28-90; Ord. 12-2004, § 1, eff. 7-20-04)

#### § 197.04 USE OF AUTHORITY AND PUBLIC PROPERTY.

- (a) No public official or public employee shall appear for compensation on behalf of any private person other than himself or herself or his or her direct family, before any quasi-judicial tribunal.
- (b) No public official or public employee shall accept a fee from another for referring to the person for action a matter where the public official or public employee would be barred by this Chapter from taking action.
- (c) No public official or City employee shall use or permit the use of his or her official title, insignia or position in connection with any private business from which the public official or City employee receives compensation.
- (d) No public official or City employee shall use or allow to be used any City

facilities, property, staff or information obtained in the course of his or her employment for personal use other than would be generally available to the public at large.

(Ord. 28-1990, eff. 11-28-90)

(e) No City employee shall contribute in excess of one hundred dollars (\$100.00) during any consecutive four-year period to any political campaign of his or her employer or to any political campaign of his or her employing authority; provided, however, that with respect to Directors of Departments, the Mayor's Executive Secretary Officer and the Chief Administrative Officer such amount shall be two hundred dollars (\$200.00) for any four-year period.

For purposes of this section, "employer" means the following:

- (1) The Mayor is employer of the Executive Branch;
- (2) The City Controller is employer of the City Controller's Office; and
- (3) Members of Council are employers of their personal staffs, the City Clerk and all City Clerk employees.

For purposes of this section, "employing authority" means any City employee who supervises, oversees or directs the work of another City employee.

(Ord. 10-1991, eff. 4-5-91)

#### § 197.05 EMPLOYMENT OR APPOINTMENT OF RELATIVES.

(a) No public official or public employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his direct family to a position that is under the jurisdiction or control of the city.

(b) A member of the direct family of a public official or public employee shall not be appointed, hired or advanced to a position which is under the direct jurisdiction or control of the public official or public employee.

(c) The provisions of this section may be waived by the Board upon the Board's finding that considering factors as the person's experience qualifications and the responsibility of the position, the public interest would not be harmed as a result of the waiver.

(Ord. 28-1990, eff. 11-28-90)

#### § 197.06 POST-EMPLOYMENT RESTRICTIONS.

(a) For a period of 12 months from the time employment or service is terminated, no person who has served as a public official or public employee shall represent a person, with or without compensation, on any matter before the governmental body with which he has been associated.

(b) For a period of 12 months from the time employment or service is terminated, no person who has served as a public official or public employee, shall personally act in a representative capacity, with or without compensation, on behalf of any person with respect to any case, proceeding, approval, contract or other matter with respect to which the person had substantial participation, of a nonministerial nature, during the period of his service or employment.

(Ord. 28-1990, eff. 11-28-90)

#### § 197.07 OFFERING OR ACCEPTING GIFTS AND FAVORS.

A public official, City employee or agent of the City shall not solicit or accept from an interested party, nor shall any interested party offer or give anything of value to a public official, City employee or agent of the city, subject to the following exceptions:

- (a) Gifts from direct family members;
- (b) A nonpecuniary award publicly presented, in recognition of public service;
- (c) An occasional nonpecuniary gift of nominal value;
- (d) Complimentary travel for official purposes;
- (e) Admissions to charitable, civic, political or other public events;
- (f) Admissions to cultural or athletic events not to exceed two hundred fifty dollars (\$250.00) per calendar year in the aggregate and one hundred dollars (\$100.00) per calendar year from any single person, agent or other interested party; or
- (g) Complimentary meals and/or refreshments.

(Ord. 2-1992, eff. 2-13-92)

#### § 197.08 FINANCIAL DISCLOSURE.

(a) Each public official and City employee employed by the City shall file a statement of financial interests for the preceding calendar year no later than May 1 of each year that he or she holds a position with the City and of the year after he or she leaves a position as required by and in the manner provided by the State Statute.

(b) For the purposes of this section, "City employee" means any individual employed by the City who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (1) Contracting or procurement;

- (2) Administering or monitoring grants or subsidies;
- (3) Planning or zoning;
- (4) Inspecting, licensing, regulating or auditing any person; or
- (5) Any other activity where the official action has an economic impact of greater than a de minimus nature on the interests of any person.

(Ord. 28-1991, eff. 7-19-91)

(c) Each contractor who enters into a contract valued at one thousand dollars (\$1,000.00) or more with the city, shall provide the City with a Statement of Affiliations. The Statement of Affiliations shall include:

(1) A description of any contractual or other business relationship with the City or any of its departments, agencies, boards, commissions or authorities, including the value of any contract or business relationship entered into during the three (3) calendar years previous to the execution of the contract;

(2) The contractor's qualifications and experience for the performance of the contract; and

(3) An identification of the contractor's principals, including the names and addresses of all owners or partners or shareholders and officers, or if the contractor is a public corporation, the officers, the members of the board of directors, and shareholders holding more than three (3) percent of the corporate stock.

(Ord. 27-1992, eff. 6-23-92)

#### § 197.09 ETHICS HEARING BOARD.

(a) There is hereby established an Ethics Hearing Board composed of five (5) members. Two (2) members shall be appointed by the Mayor and confirmed by Council. The remaining three (3) members shall be appointed by the Mayor from a list of nine (9) candidates submitted by Council, and shall be confirmed by Council. Each member shall be a resident of the city. (Ord. 28-1990, eff. 11-28-90)

(b) Each member shall serve for a term of three (3) years or until a successor is appointed and confirmed. The terms of the initial members shall be staggered in the following manner:

(1) The three (3) members appointed by the Mayor and confirmed by Council from the list of candidates submitted by Council shall serve terms of one (1), two (2) and three (3) years to be determined by lottery; and

(2) The two (2) members appointed by the Mayor and confirmed by Council shall serve terms of two (2) and three (3) years to be determined at the Mayor's discretion.

The Board shall adopt rules and regulations for its operations and procedures as it deems necessary to administer, implement and enforce this Chapter. The Board shall also adopt rules and regulations to further interpret this Chapter.

(Ord. 38-1992, eff. 11-6-92)

(c) No individual while a member or employee of the Board shall:

(1) Hold or campaign for any other public office;

(2) Hold office in any political party or political committee; or

(3) Hold a position of employment or appointment with any municipal government, the Commonwealth of Pennsylvania or any board or commission formed by the city.

(d) Three (3) members of the Board shall constitute a quorum for the transaction of business and a majority vote of those present at any meeting is sufficient for any official action, except as otherwise provided herein.

(e) Members of the Board shall serve without compensation. The Board shall employ persons and employees as may be necessary whose salary, together with the necessary expenses of the Board, shall be provided for at the discretion of Council and the Mayor by proper annual appropriation. The Board shall elect a chairperson and vice-chairperson and other officers as needed.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

(f) Expired terms or vacancies occurring on the Board shall be filled in the following manner:

(1) If the departing member had been appointed by the Mayor from a list of candidates submitted by Council, the Mayor shall appoint a successor from a list of three (3) candidates submitted by Council. The City Solicitor shall notify Council of the vacancy or expired term within thirty (30) days of the occurrence. Council shall then submit the list of candidates to the Mayor within sixty (60) days of the receipt of the notification from the City Solicitor.

(2) If the departing member had been appointed directly by the Mayor, the successor shall be appointed by the Mayor within sixty (60) days of the vacancy or expired term.

(3) In the case of a vacancy, the successor shall fill the remainder of the departing member's term.

(4) All appointees shall be confirmed by Council.

(Ord. 38-1992, eff. 11-6-92)

§ 197.10 JURISDICTION.

(a) All complaints with respect to violations of any terms of the State Statute shall be within the sole jurisdiction of the Pennsylvania State Ethics Commission. The Ethics Hearing Board shall have jurisdiction to hear and the independent investigator shall have the authority to investigate only those complaints relating to matters addressed in this Chapter, the Pittsburgh Charter and the Pittsburgh Code, and not contained in the State Statute (the "City provisions").

(b) With respect to § 197.07, the City provisions are reviewed as an explanation of the provisions of the State Statute and complaints with respect thereto shall be treated as being with respect to violations of the City provisions.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

§ 197.11 POWERS AND DUTIES OF THE BOARD.

In addition to other powers and duties prescribed herein, the Ethics Hearing Board shall:

(a) Receive and seek the satisfactory disposition of complaints charging unlawful practices as set forth in the City provisions;

(b) Give advice as to application of the City provisions;

(c) Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith require the production of evidence relating to any matter under investigation or any questions before the Board, make findings of fact, issue orders and publish the findings of fact and orders and do all other things necessary and proper for the enforcement of this Article; and

(d) Institute and conduct educational and other programs to promote the ethical conduct of public officials and City employees.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

§ 197.12 INVESTIGATIONS.

(a) (1) Upon a complaint signed under penalty of perjury by any individual or upon the Ethics Hearing Board's own motion, the City Solicitor shall conduct a preliminary inquiry into any alleged violation of the City provisions. The City Solicitor and the Board shall keep information, records and proceedings relating to a preliminary inquiry confidential. The City Solicitor or the Board shall, however, have the authority to refer the case to law enforcement officials during a preliminary inquiry or anytime thereafter without providing notice to the subject of the inquiry. The City Solicitor shall complete its preliminary inquiry within sixty (60) days of its initiation.

(2) If a preliminary inquiry fails to establish reason to believe that the City provisions have been violated, the City Solicitor shall terminate the inquiry and so notify the complainant, the person who had been the subject of the inquiry and the Board.

(3) If the City Solicitor determines after preliminary inquiry that there exists reasons to believe that the City provisions have been violated, the matter shall be referred to an independent investigator for further investigation. The independent investigator shall be an individual so designated by the Board and shall be an attorney qualified to practice before the Supreme Court of the Commonwealth of Pennsylvania and shall meet the requirements set forth in § 197.08(c). The independent investigator shall complete its inquiry within thirty (30) days of its initiation. The City Solicitor shall provide to the independent investigator all information obtained through the preliminary investigation. The independent investigator shall keep information, records and proceedings relating to the investigation confidential.

(4) If, in the independent investigator's opinion, there has not been established reason to believe that the City provisions have been violated, the independent investigator shall terminate the inquiry and so notify the complainant, the person who had been the subject of the inquiry and the Board.

(b) If the preliminary inquiry by the City Solicitor and the further investigation by the independent investigator both establish that there is reason to believe that the City provisions have been violated, the Board may, through the City Solicitor, initiate a full investigation to determine if there has been a violation. The Board shall keep information, records and proceedings relating to an investigation confidential until a final determination is made, except as otherwise provided in subsection (f) hereof. No investigation may be commenced until the person who is the subject of the investigation has been notified and provided a general statement of the alleged violation or violations of the City provisions and of the identity of the claimant. Service of notice is complete upon mailing which shall be by certified or registered mail. The Board shall notify the complainant within seventy-two (72) hours of the commencement of an investigation and, thereafter, the Board shall advise the complainant and the person who is the subject of the investigation of the status of the investigation at least every ninety (90) days until the investigation is terminated. The Board shall, within one hundred eighty (180) days of

the initiation of an investigation, either terminate the investigation pursuant to this subsection or issue a findings report pursuant to subsection (d) hereof. Upon a showing by the City Solicitor of the need for extension of this period, the Board may extend an investigation for up to two (2) ninety-day periods, provided that each ninety-day extension shall be approved by a majority vote of members present. In no event shall a findings report be issued later than three hundred sixty (360) days after initiation of an investigation.

(c) If an investigation conducted hereunder indicates that no violation has been committed, the Board shall immediately terminate the investigation and send written notice of the determination to the complainant and the person who was the subject of the investigation.

(d) The Board, upon the completion of an investigation, shall issue a findings report to the subject of the investigation setting forth the pertinent findings of fact. The subject shall have the right to respond to the findings and to request an evidentiary hearing on the matter. The Board shall grant any request for a hearing. Any response to the findings report shall either admit or deny by corresponding number and letter the pertinent facts set forth. The subject of the investigation shall have access to any evidence intended to be used by the City Solicitor at the hearing and any exculpatory evidence developed by the City Solicitor in the course of its investigation. Matters not specifically denied in the response shall be deemed admitted. The response shall be filed within thirty (30) days of the issuance of the findings report unless the time period is extended by the Board for good cause shown. Hearings conducted upon request shall be instituted within forty-five (45) days after the filing of the response.

(e) Within thirty (30) days of the receipt by the Board of the hearing record, or, if no hearing is to be held, within thirty (30) days of the receipt by the Board of the response to the findings report, the Board shall issue an order which shall be final. Upon receipt of a final order, the subject shall have the right to file a petition for reconsideration in the manner prescribed by the Board.

(f) Hearings conducted pursuant to this section shall be closed to the public unless the subject requests an open hearing. Any person who appears before the Board shall have all of the due process rights, privileges and responsibilities of a party or witness appearing before an administrative agency of this Commonwealth. All witnesses summoned for the hearings shall receive reimbursement for reasonable expenses in accordance with 42 Pa. C.S.A. Section 5903 (relating to compensation and expenses of witnesses). At the conclusion of a hearing concerning an alleged violation and in a timely manner, the Board shall deliberate on the evidence and determine whether there has been a violation of the City provisions. At least three (3) members of the Board present at a meeting shall find a violation by clear and convincing proof. The names of the members finding a violation and the names of those dissenting and abstaining shall be listed in the order. The determination of the Board, in the form of a final order and findings of fact, shall be a matter of public record.

(g) Orders which become final in accordance with the provisions of this section shall be available as public documents, but the files and records of the Board, the City Solicitor, and the independent investigator relating to the case shall remain confidential.

(h) Any person aggrieved by an opinion or order which becomes final in accordance with the provisions hereof who has direct interest in the opinion or order shall have the right to appeal therefrom in accordance with law and general rules. Decisions of the City Solicitor and/or the independent investigator that an investigation fails to establish reasons to believe that there exists a violation of the City provisions shall be a decision within the prosecutorial discretion of individuals and therefor not appealable.

(i) No public official or public employee shall discharge any official or employee or change his or her official rank, grade or compensation, or deny him or her a promotion, or threaten to do so or take any other retaliatory measures, for filing a complaint with or providing information in connection herewith, testifying in any Board proceeding or being the subject of a complaint or investigation hereunder except as provided in § 197.16.

(j) As a general rule, no person shall disclose or acknowledge, to any other person, any information relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration which is before the Board. However, a person may disclose or acknowledge to another person matters held confidential in accordance with this subsection when the matters pertain to any of the following:

- (1) Final orders of the Board as provided in subsection (g) hereof;
- (2) Hearings conducted in public pursuant to subsection (f) hereof;
- (3) For the purpose of seeking advice of legal counsel;
- (4) Filing an appeal from a Board order;
- (5) Communicating with the Board or its staff, in the course of a preliminary inquiry, investigation, hearing or petition for reconsideration by the Board;
- (6) Consulting with a law enforcement official or agency for the purpose of initiating,

participating in or responding to an investigation or prosecution by the law enforcement official or agency;

(7) Testifying under oath before a governmental body or a similar body of the United States of America;

(8) Any information, records or proceedings relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration which the person is the subject of; or

(9) Such other exceptions as the Board, by regulation, may direct.

(k) If a public official or City employee has reason to believe the complaint is frivolous as defined hereby, or without probable cause and made primarily for a purpose other than that of reporting a violation of the City provisions, or a person publicly disclosed or caused to be disclosed that a complaint against the public official or City employee has been filed with the Board, the public official or City employee shall notify the Board and the Board, through the City Solicitor, shall conduct an investigation.

(l) The Board may conduct an investigation within three (3) years after the alleged occurrence of any violation of this Chapter.

(m) If the Board deems that the City Solicitor cannot impartially handle a complaint as provided for herein, the Board shall be authorized to hire special legal counsel to handle the complaint at the expense of the city.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

#### § 197.13 ADVISORY OPINIONS.

(a) The City Solicitor shall be authorized to issue written advisory opinions upon the written request of a public official or City employee.

(b) The advisory opinions may be used as a defense against any subsequent investigation or prosecution hereunder to the extent that the official or employee who sought the opinion acted on it in good faith and only to the extent material facts were not omitted or misstated in the request for the advisory opinion.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

#### § 197.14 EDUCATION.

The Ethics Hearing Board shall prepare and compile or shall cause to be prepared and compiled an ethics manual for distribution to City employees providing an overview of ethics laws, rules and regulations which may apply to such employees. Additionally, the Board shall conduct or cause to be conducted ethics seminars for City employees, as frequently as the Board deems necessary, to instruct new employees as to the rules of conduct which are applicable to them.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

#### § 197.15 WRONGFUL ACTS.

(a) A person who signs or causes or precipitates the signing of a complaint alleging a violation of the City provisions against another is subject to liability for wrongful use of this Chapter if:

(1) The complaint was frivolous, as defined thereby, or without probable cause and made primarily for a purpose other than that of reporting a violation of the City provisions; or

(2) The person publicly disclosed or caused to be disclosed that a complaint against a person had been filed with the Board.

(b) A person who signs a complaint alleging a violation of the City provisions has probable cause for doing so if he or she reasonably believes in the existence of the facts upon which the claim is based and either:

(1) Reasonably believes that under those facts the complaint may be valid under this Chapter; or

(2) Believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his or her knowledge and information.

(c) Allegations of wrongful use shall be investigated in the manner set forth in § 197.12.

(d) When the essential elements of an action brought pursuant to this section have been established, damages may be assessed by a court of appropriate jurisdiction considering the following:

(1) The harm to reputation by a defamatory matter alleged as the basis of the proceeding;

(2) The expenses, including any reasonable attorney fees, that the person has reasonably incurred in proceedings before the Board;

(3) Any specific pecuniary loss that has resulted from the proceedings;

(4) Any emotional distress that has been caused by the proceedings; and



(5) Any punitive damages according to law in appropriate cases.  
(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

#### § 197.16 PENALTIES.

(a) Upon any violation of the City provisions, including the undertaking of wrongful acts as described above, any of the following penalties shall be available to the Ethics Hearing Board for imposition:

(1) Admonition. In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions;

(2) Public censure. In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media, indicating that a violation of the City provisions took place and that the Board strongly disapproves of the public official's or public employee's actions;

(3) Recommendation to the Mayor of suspension, without compensation, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Director of the Department in which the respondent is employed, if any, and the complainant, if any;

(4) Recommendation to the Mayor of termination, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Director of the Department in which the respondent is employed, if any, and the complainant, if any;

(5) Recommendations of impeachment of an elected official, with notification to the Mayor, Council, the respondent and the complainant, if any;

(6) Any person who realizes financial gain by way of a violation of any provision of the City provisions, in addition to any other penalty provided by the law or this Chapter, shall pay into the Treasury of the city, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized;

(7) Any public official, public employee, person, corporation, company or other entity found to have participated in or benefitted from a violation of this Chapter, may be barred from participating in business dealings with the City for a period of time to be determined by the Board, in addition to being subject to any other penalty deemed appropriate by the Board; and

(8) A fine of up to one thousand dollars (\$1,000.00), per violation.

(b) In cases where the violation of this Chapter is also a violation of federal or state law, the matter shall be turned over to the proper authority for criminal prosecution.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91)

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-----Original Message-----

From: Gilman, Daniel  
Sent: Thursday, January 29, 2009 1:10 PM  
To: Werner, Eileen  
Cc: McCurdy, Jessica  
Subject: RE: ETHICS CODE

Jess -

Can you please send Eileen a copy of the ethics code.

Thanks,  
Dan

-----Original Message-----



From: Werner, Eileen [mailto:werner@allentowncity.org]  
Sent: Thu 1/29/2009 1:01 PM  
To: Gilman, Daniel  
Subject: ETHICS CODE

Could you please email or fax me a copy of your Ethics Code. My fax number is 610.437.7554. Thank you.