



pennsylvania
STATE ETHICS COMMISSION

2022 ANNUAL REPORT

Public Office is a Public Trust





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MESSAGE FROM THE EXECUTIVE DIRECTOR



It is my pleasure to submit for your review the Pennsylvania State Ethics Commission's Annual Report for calendar year 2022.

2022 was a year of great change for the Commission. Four Commissioners retired or were replaced by their appointing bodies. The Commission's prior Executive Director – who was the Commission's longest-serving employee - retired in 2022. The Commission's Chief Counsel took a new position outside the agency. The expertise, wisdom, and hard work of these talented Commissioners and employees was instrumental in shaping the Commission into the well-respected agency that it is today.

Although these departures were a great loss to the Commission and the Commonwealth of Pennsylvania, they created an opportunity for fresh perspectives. Two new Commissioners were appointed, both of whom have brought a wealth of experience from their careers of service in the legislative branch of Pennsylvania government. As the Commission's new Executive Director and as a former Commission

employee, I bring many years of state government experience having served as Counsel to the Department of General Services and the Office of State Inspector General. The Commission's new Chief Counsel also served for many years as an Administrative Law Judge and Counsel to Boards within the Pennsylvania Department of State. The Commission's new and highly talented investigators and administrative employees complement the already outstanding work that has long been performed by the Commission staff.

The Commission's primary mandate is to strengthen the faith and confidence of the people of the Commonwealth in their government. However, the Commission cannot be successful in implementing this primary mandate unless public officials and public employees know and understand what is expected of our government officials. In 2022, the Commission issued 72 Advisory Opinions, prospectively guiding public officials and public employees on their obligations and responsibilities under the Ethics Act. Commission staff has long conducted training to public officials and public employees, and we continued that practice by providing 25 virtual and in-person trainings across the state in 2022.

It is also critical that the general public know about and have an understanding of the Ethics Act and the work of the Commission. Therefore, Commission staff created educational videos intended to provide a simple explanation of some of the key principles in the Ethics Act and Lobbying Disclosure Law. Those videos were developed in 2022 and are posted to our website as they are completed.

The Commission continues to monitor the Statements of Financial Interests of public officials and public employees. In 2022, our Administrative Division issued 1,123 Warning Notice Letters to deficient and delinquent filers, resulting in an 83% success rate of compliance.

Despite having nearly half of its investigator positions unfilled for much of 2022, the Commission's experienced and dedicated investigative staff have continued conducting detailed and impartial investigations into allegations of violations of the Ethics Act and Lobbying Disclosure Law. At the end of 2022, all of the Commission's investigative positions were filled, and we look forward to our increased investigative capacity in 2023.

The State Ethics Commission has long played an important role in promoting faith in government. We look forward to continuing this critical work for the citizens of the Commonwealth of Pennsylvania.

Sincerely,

A handwritten signature in black ink that reads "Mary W. Fox". The signature is written in a cursive, flowing style.

Mary. W. Fox, Executive Director

GENERAL

INTRODUCTION

In accordance with the provisions of the Public Official and Employee Ethics Act (“Ethics Act”), the Pennsylvania State Ethics Commission is issuing this annual report of Commission operations for calendar year 2022.

The Commission’s three main functions which seek to uphold the public trust are: (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.

In addition to its responsibilities under the Ethics Act, the Commission is vested with enforcement duties under Pennsylvania’s Lobbying Disclosure Law 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. Commission staff has focused on achieving compliance with the Lobbying Disclosure Law’s registration and quarterly expense reporting requirements through coordination with the Pennsylvania Department of State to ensure filing of mandated reports. Staff diligence and collaboration with

the Pennsylvania Department of State has resulted in a decrease in the number of enforcement actions initiated in 2022 as compared to previous years. Even with staff diligence, the Commission issued rulings with penalties in excess of \$70,000 for failure to comply with the reporting requirements of the law. 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 and Act 114 of 2016, the Video Gaming Act, and the Medical Marijuana Act. 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, the Pennsylvania Racehorse Development and Gaming Act 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 is constantly striving to strengthen the faith and confidence of the citizens of the Commonwealth in their government. The Commission looks forward to its continued service to both the public and those public officials and employees it regulates.



COMMISSIONERS & STAFF

COMMISSIONERS

The Commission is an independent agency of the Commonwealth, comprised of seven Members who are 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 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 Senate confirmation.

The Commission was comprised of seven Members for the majority of calendar year 2022; however, the Commission experienced several changes to its board members throughout calendar year 2022 which are outlined below.

Commissioners

- Michael A. Schwartz, Esquire
- Shelley Y. Simms, Esquire
- Rhonda Hill Wilson, Esquire
- Paul E. Parsells
(replaced Chairman Colafella on June 7, 2022)
- David L. Reddecliff
(replaced Commissioner Nick on September 16, 2022)
- Robert P. Caruso
(replaced Commissioner DePalma on January 10, 2023)
- Nicholas A. Colafella, Ph.D. (Chairman)
(served from December 27, 2004 - June 7, 2022)
- Mark R. Corrigan, Esquire (Vice Chairman)
(served from July 2, 2012 - October 14, 2022)
- Roger E. Nick
(served from January 2, 2013 - September 16, 2022)
- Melanie F. DePalma
(served from January 14, 2015 - September 16, 2022)

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. The Commission elected Mr. Schwartz Acting Vice Chairman on November 21, 2022.



Mr. Schwartz is a partner and chair of the 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. Mr. Schwartz 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 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. The Commission elected Ms. Simms as Acting Vice Chair on August 10, 2022 and shortly thereafter as Acting Chair on October 14, 2022.



Ms. Simms is General Counsel and Chief Compliance Officer of Xponance, Inc., a registered investment advisor that provides customized equities and fixed income portfolios for institutional investors. Ms. Simms has oversight responsibility for the legal and compliance matters at Xponance. She is a member of the firm's Senior Management and Investment Governance Committees, and is the chairperson of the firm's Compliance-Operations-Risk Committee.

Prior to joining Xponance 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 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.

RHONDA HILL WILSON, COMMISSIONER

Rhonda Hill Wilson, Esquire was appointed as a Member of the Commission on January 3, 2022, by the Honorable Jay Costa, Minority Leader of the Pennsylvania Senate.



Rhonda Hill Wilson, Esquire is an attorney with the Law Offices of Rhonda Hill Wilson, P.C. Ms. Hill Wilson represents individuals and families in automobile negligence, premises liability, nursing home and medical negligence, and wrongful death cases. Ms. Hill Wilson is past president of the National Bar Association's Women's Law Division-Philadelphia and a past member and past national officer of the American Association for Justice (formerly

known as the Association of Trial Lawyers of America) and its National College of Advocacy Board of Trustees and its Executive Committee. She is a member of the Pennsylvania Association for Justice, the Philadelphia Trial Lawyers Association and the Philadelphia Bar Association. She is a member of the Advisory Board of the Barrister's Association of Philadelphia, Inc. and been awarded the Austin Norris Award for Community Service by the Barristers Association in 2013. In 2022, she was awarded the Barrister's Association of Philadelphia's Woman of Distinction. She is a Life Member of the National Bar Association and was awarded the President's Award by the National Bar Association in 1994 and 2012.

Ms. Hill Wilson previously served as Co-Chair on the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness. She was previously a radio host on WURD radio station in Philadelphia. She is committed to equal access to the courts and access to health care for all.

PAUL E. PARSELLS, COMMISSIONER

Paul E. Parsells was appointed as a Member of the Commission on June 7, 2022, by The Honorable Joanna McClinton, Minority Leader of the House of Representatives.



Mr. Parsells retired after 40 years of service to the Commonwealth in 2021. Upon accepting a position with the Commonwealth, he served two years as a field auditor for the Auditor General, and then spent the next 38 years serving the House of Representatives.

From 1988 to 2006, Commissioner Parsells served as the Executive Director of the House Transportation Committee under six different Chairmen. In that position he also served as the voting designee for the Chairman on the State Transportation Commission, Rail Freight Advisory Committee, Aviation Advisory Committee, Motor Carrier Safety Advisory Committee and the Pedalcycle and Pedestrian Advisory Committee.

In 2006 he was asked to serve as Chief of Staff for the Majority Whip and later as Chief of Staff for Speaker Keith McCall. When the Speaker retired, Commissioner Parsells was named Transportation Policy Director for the Leader.

Mr. Parsells finished his career as Caucus Chief of Staff for Leaders Frank Dermody (2014-2020) and Joanna McClinton (2021).

Commissioner Parsells is a 1978 graduate of Mercer University with a B.A. in Business Administration, and still has a few remaining battle scars from his soccer career there.

DAVID L. REDDECLIFF, COMMISSIONER

David L. Reddecliff was appointed as a Member of the Commission on September 16, 2022, by the Honorable Bryan D. Cutler, Speaker of the Pennsylvania House of Representatives.

Dave grew up in Conemaugh Township, Somerset County and is a graduate of Indiana University of Pennsylvania, with a B.A. in Political Science. He married Carole in 1986 and together raised three wonderful children; Andrew, Maggie and Hannah.

Dave retired on March 23, 2021 after more than 38 extraordinary years with the Pa House of Representatives. His career was varied, holding more than 12 different positions beginning in 1982. On December 9, 2015, the House unanimously elected him as the 106th Chief Clerk, one of the oldest positions in state government, dating to 1682.



ROBERT P. CARUSO, COMMISSIONER

Robert P. Caruso was appointed as a Member of the State Ethics Commission on January 10, 2023 by the Honorable Tom Wolf, Governor of the Commonwealth of Pennsylvania.

Mr. Caruso was employed by the State Ethics Commission from 1982 until retiring in April 2022. He was the longest tenured employee in Commission history.

Mr. Caruso held a number of positions with the Commission's Investigative Division including Special Investigator, Director of Investigations and Deputy Executive Director. He was named the Commission's Executive Director in January 2013 and served in that capacity until his retirement.

During his lengthy career with the State Ethics Commission Mr. Caruso successfully investigated the Commission's highest profile conflict of interest cases that resulted in criminal prosecutions and convictions of public officials and employees at both the state and local levels of government. Mr. Caruso's achievements include the first convictions under the State Ethics Act of public officials selling votes in return for approval of a major mall project and multiple federal convictions as a result of a state official accepting bribes in return for the award of technology grants. As executive director, Mr. Caruso oversaw the implementation of the Commission's electronic statements of financial interests filing system and the initiation of a case management tracking system.

Prior to joining the Commission Mr. Caruso was employed by Clearfield County in the Office of District Attorney and as a parole officer.



Mr. Caruso graduated from Pennsylvania State University with a Bachelor of Science in Law Enforcement and earned a Master of Arts in Criminal Justice from Indiana University of Pennsylvania. In 2018 he received the Outstanding Alumni Award from Penn State's Department of Criminology and Sociology. Mr. Caruso serves on the Board of Visitors for the Criminology and Sociology Department. Mr. Caruso also serves on the Board of Compliance for Vibra Healthcare.

NICHOLAS A. COLAFELLA, FORMER CHAIRMAN

Nick Colafella was appointed as a Member of the Commission on December 27, 2004. Mr. Colafella served as Vice Chairman of the Commission from January 28, 2013, until being elected Chairman of the Commission on January 16, 2015.

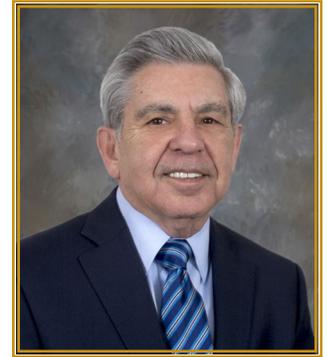
Mr. Colafella was a Member of the Pennsylvania House of Representatives from 1981 to 2002, serving the 15th Legislative District (Beaver County). As a Member of the House of Representatives, Colafella served as the Democratic Chairman of the House Insurance Committee (1992-1998), and the House Education Committee (1999).

During this time period, Mr. 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, Mr. 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, Mr. 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.

Mr. Colafella has devoted substantial efforts toward community involvement, including his service as Chairman of the Beaver County Drug and Alcohol Commission, Heritage 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, Mr. 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, FORMER 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, FORMER 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, FORMER 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.

STAFF

Executive Division

Mary W. Fox, Executive Director
(April 25, 2022 to December 31, 2022)

Robert P. Caruso, Former Executive Director
(January 1, 2022 to April 24, 2022)

Jeffery Frankenburger, Deputy Executive Director

Julie Gibson, Executive Secretary

Office of Chief Counsel

Bridget K. Guilfoyle, Chief Counsel
(April 25, 2022 to December 31, 2022)

Brian D. Jacisin, Former Chief Counsel
(January 1, 2022 to March 25, 2022)

Martin W. Harter, Deputy Chief Counsel

Esther Estelle, Legal Assistant

Administrative Division

Jessica Wenger, Director of Administration

Stanley G. Weaver, Administrative Officer

Brittany Beam, Clerk Typist 2/SFI Support

Jonelle Whitney, Receptionist/SFI Support

Sean M. Firestine, Information Technology Administrator
and Forensic Specialist

Investigative Division (Headquarters)

Jenifer Layman, Assistant Counsel

Jonathan Fry, Eastern Regional Director

Daniel M. Bender, Senior Special Investigator and
Training Officer

Gabriel Stahl, Special Investigator

Shanice N. Rapp, Special Investigator

Heather L. Mulhollan, Administrative Officer

Investigative Division (Western Regional Office)

Jason P. Bricker, Western Regional Director

Kathleen Haefner, Special Investigator

Hannah Easley, Special Investigator

Cynthia L. Hershberger, Secretarial Support

COMMISSION MEMBER AND EMPLOYEE RESTRICTIONS

The Ethics Act places certain obligations upon the Commission and its staff members. No individual, while a Member or employee of the Commission, shall:

1. Hold or campaign for any other public office;
2. Hold office in any political party or political committee;
3. Actively participate in or contribute to any political campaign;
4. Directly or indirectly attempt to influence any decision by a governmental body, other than a court of law or as a representative of the Commission on a matter within the jurisdiction of the Commission; or
5. Be employed by the Commonwealth or a political subdivision in any other capacity whether or not for compensation.

Additionally, no Member of the Commission shall have served as an officer in a political party for one year prior to appointment.

The 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

E-mail address: ra-ethicswebmaster@pa.gov

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:

Mary W. Fox, 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

PUBLIC INFORMATION

Ethics Commission Website:

www.ethics.pa.gov

Ethics Commission E-Library:

<https://www.ethicsrulings.pa.gov>

Statements of Financial Interests Filings:

All Statement of Financial Interests forms filed with the Commission are available for public inspection via the Commission's website at www.ethics.pa.gov.

For calendar year 2022, 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 on the Commission's e-Library, which may be accessed via the Commission's website at www.ethics.pa.gov.



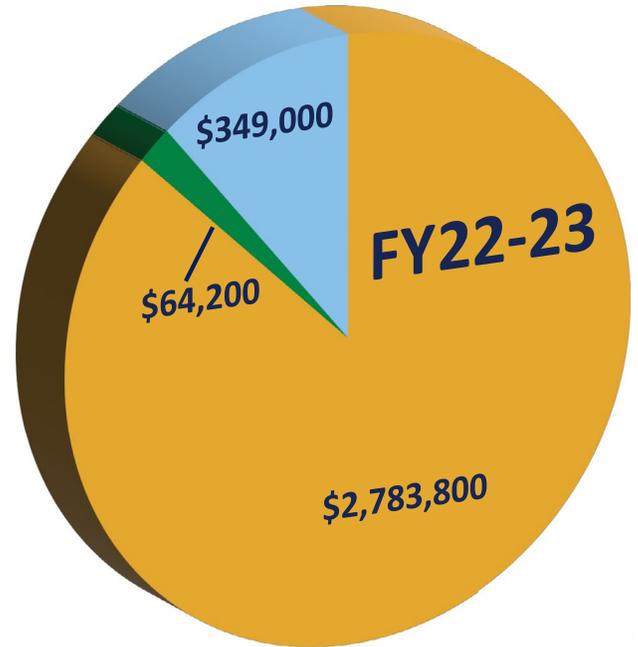
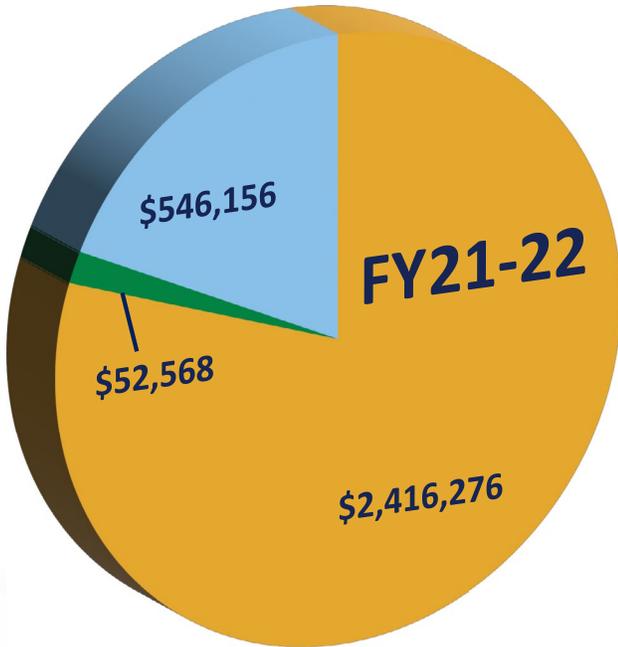
TWO-YEAR BUDGET ANALYSIS

2021-2022

■ Employee salaries/benefits.....	\$2,416,276
■ Miscellaneous personnel services	\$52,568
■ Agency Operations.....	\$546,156
Total.....	\$3,015,000

2022-2023

■ Employee salaries/benefits.....	\$2,783,800
■ Miscellaneous personnel services	\$64,200
■ Agency Operations.....	\$349,000
Total.....	\$3,197,000



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 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.).

RESTRICTED ACTIVITIES

The Ethics Act restricts the following activities:

Conflicts of Interest - 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.

Seeking and Accepting Improper Influence - 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.

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

Contingent and Severance Payments - 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.

Contracts with a Governmental Body - Where a public official/public employee, their spouse or child, or a business with which they, their 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.

Former Public Official or Public Employee (One-year Revolving Door) - 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.

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

Former Executive-Level State Employee - 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 they actively participated in recruiting to the Commonwealth or that they 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.

Voting Conflict - 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 requires that public officials, public employees, solicitors, nominees, and candidates for public office file Statements of Financial Interests. Section 1105 of the Ethics Act sets forth what information must be disclosed.

Between December 27 and December 30 of 2022, a total of 173,333 Statement of Financial Interests forms were distributed to 6,650 state, county, and local government entities for distribution to public officials, public employees, and candidates required to file Statements of Financial Interests for the 2022 calendar year pursuant to the Ethics Act. The Administrative Division continued to update 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. It is the responsibility of each filer to ensure that a copy of their form is filed with all required filing locations.

PUBLIC OFFICIAL AND EMPLOYEE ETHICS ACT

For calendar year 2021 (filing year 2022), there were 11,693 individuals who filed Statements of Financial Interests with the Commission. Of those who filed, 9,389 (80%) filed electronically through the Commission’s website.

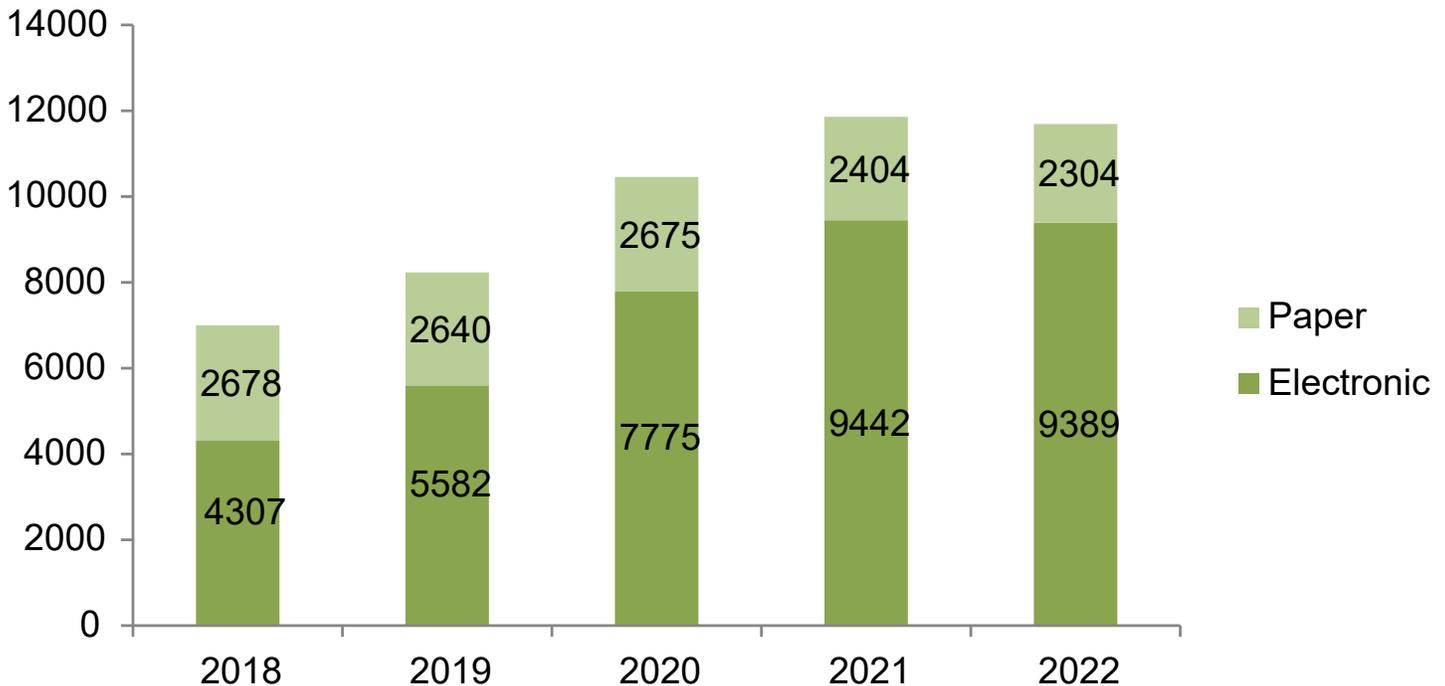
Those individuals who filed with the Commission included candidates for public office, which include judge candidates (29), Governor candidates (19), Lieutenant Governor candidates (12), as well as current and former: members of the General Assembly (678); members of state boards and commissions (1,805); constables and/or deputy constables (1,121); and state employees (2,378). There were 5,651 additional filers consisting of local government individuals who filed voluntarily with the Commission. The remainder of the filings were made with the governing authority of their political subdivision or other location as required by the Ethics Act.

Civil Penalties

Those public officials/public employees, solicitors, nominees, and candidates for public office who are required to file Statements of Financial Interests but have failed to do so or have filed a deficient form may be assessed a civil penalty per Section 1109(f) of the Ethics Act. The Civil Penalty process is set forth in 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 sends a Warning Notice Letter to the individual, providing them 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 and order the filing of

Statements of Financial Interests Received by the Commission



the Statement of Financial Interests. Should the individual not comply with the Commission’s order, the Commission may enforce the matter through an enforcement action filed with the Commonwealth Court. Should the individual fail to respond to the order of the Commonwealth Court, the court may then issue a warrant for arrest.

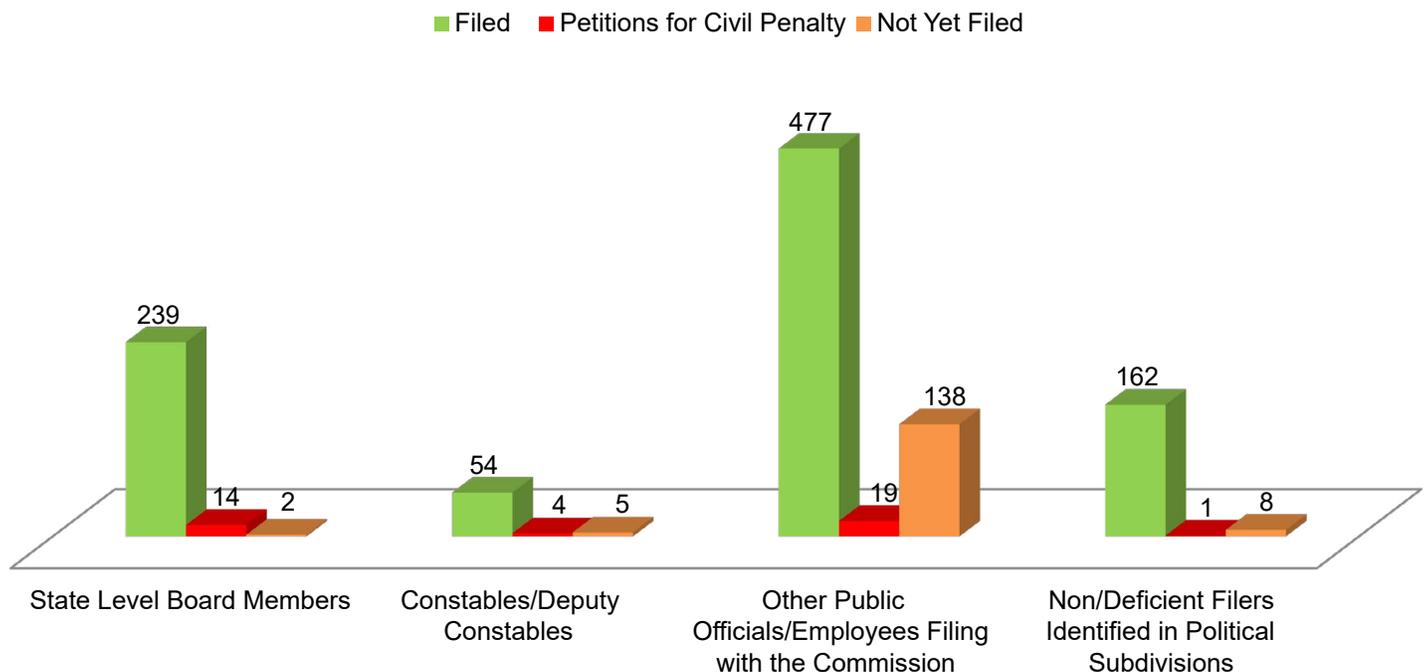
During the 2022 calendar year, the Commission identified 1,123 public officials/public employees who either filed a deficient Statement of Financial Interests or failed to file as required by the Ethics Act. This included 1,019 individuals who failed to file a Statement of Financial Interests and 104 individuals who filed a deficient Statement of Financial Interests. The Commission’s Administrative Division therefore issued 1,123 Warning Notice Letters which resulted in 932 individuals filing or amending Statements of Financial Interests by the end of calendar year 2022.

The Commission’s Investigative Division also conducted 16 on-site Compliance Reviews resulting in the identification of 133 delinquent/deficient filers, issuing Warning Notice Letters to those individuals, and resulting in a 93% compliance rate.

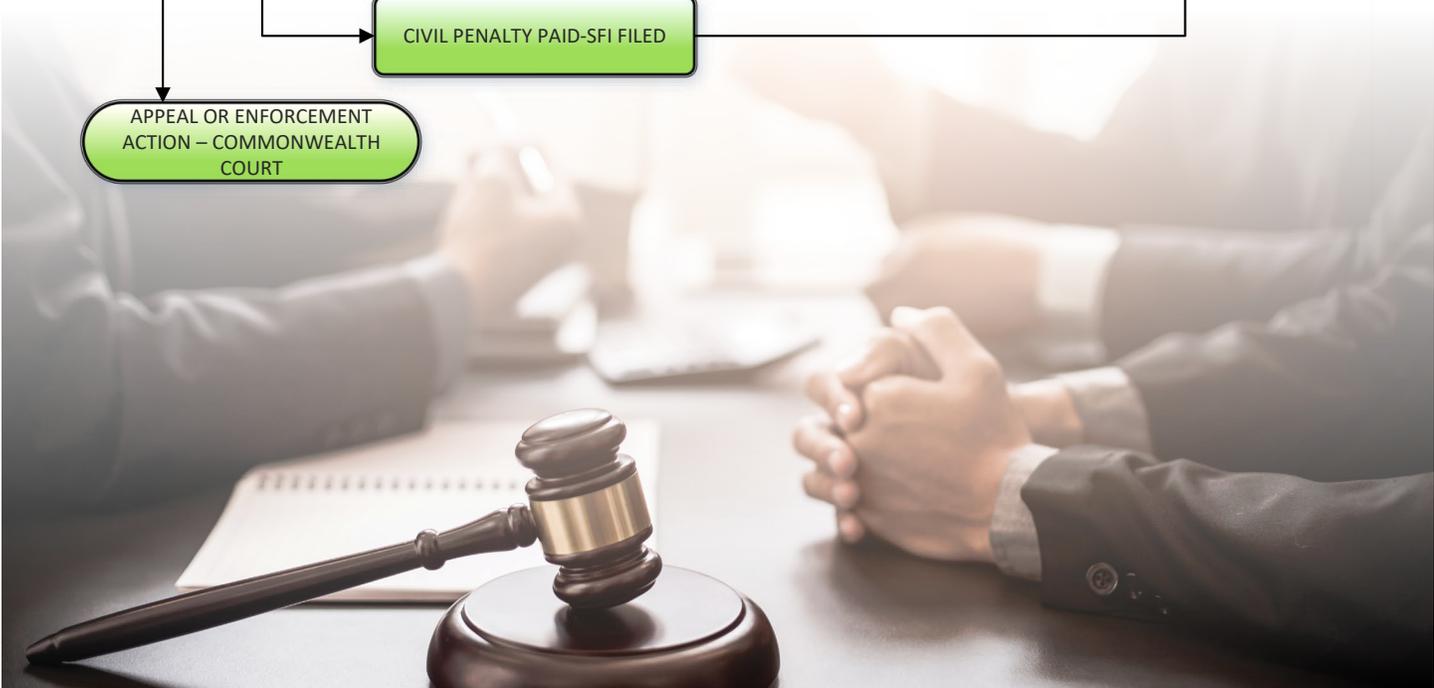
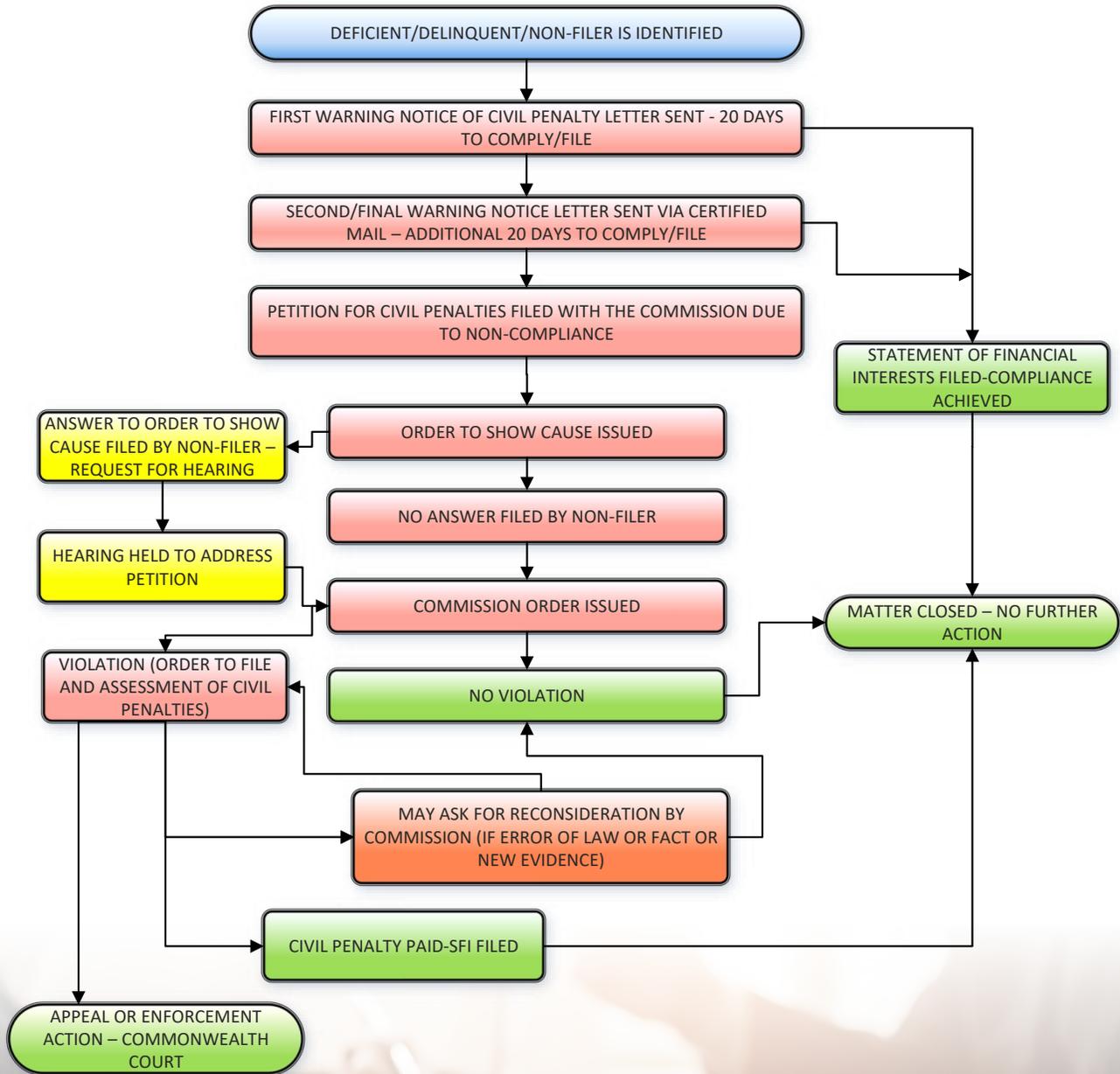
Of the total remaining 191 deficient or delinquent filers, the Commission filed Petitions for Civil Penalties against 38 individuals. The Commission plans to pursue civil penalty proceedings against the remaining deficient or delinquent filers in 2023.

In addition to the issuance of Warning Notice Letters and other enforcement efforts, during calendar year 2022, the Commission issued a total of 27 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.

Delinquent/Deficient Non-filers Identified in Calendar Year 2022 by Category



CIVIL PENALTY ENFORCEMENT FLOWCHART



OPINIONS AND ADVICES

The Ethics Act provides public officials, public employees, or their employers or appointing authorities the opportunity to seek prospective Advisory Opinions with regard to their duties or obligations under the Ethics Act, as detailed in Sections 1107(10)-(11).

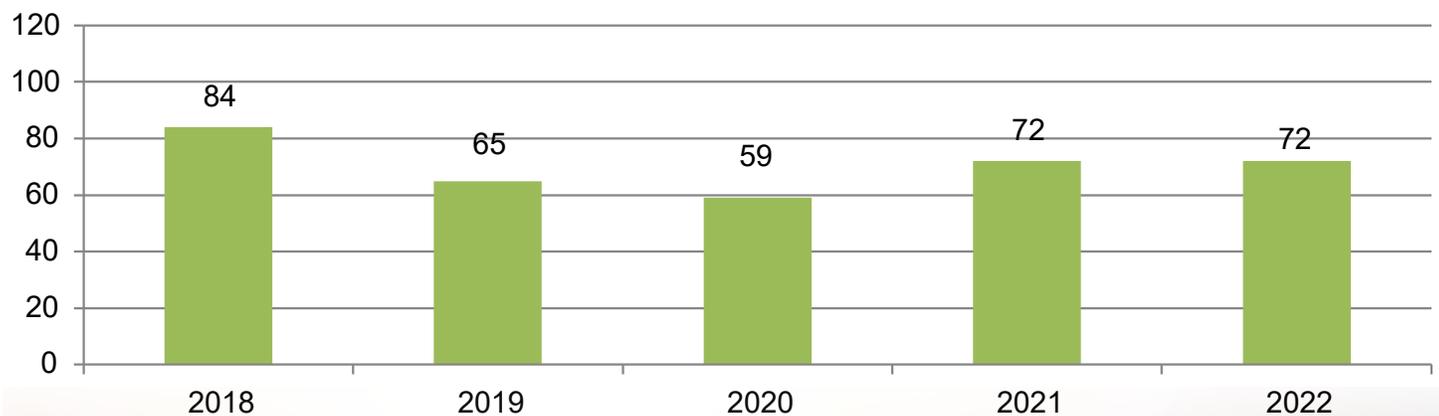
Opinions and Advices provide a complete defense against enforcement action initiated by the Commission. An Advice of Counsel is evidence of good faith conduct in any other civil or criminal proceeding if the requester truthfully disclosed all material facts and acted in reliance on the Advice. An Opinion is

an absolute defense to any criminal or civil penalty provided that all material facts are truthfully disclosed and the requester acts in good faith on the Opinion.

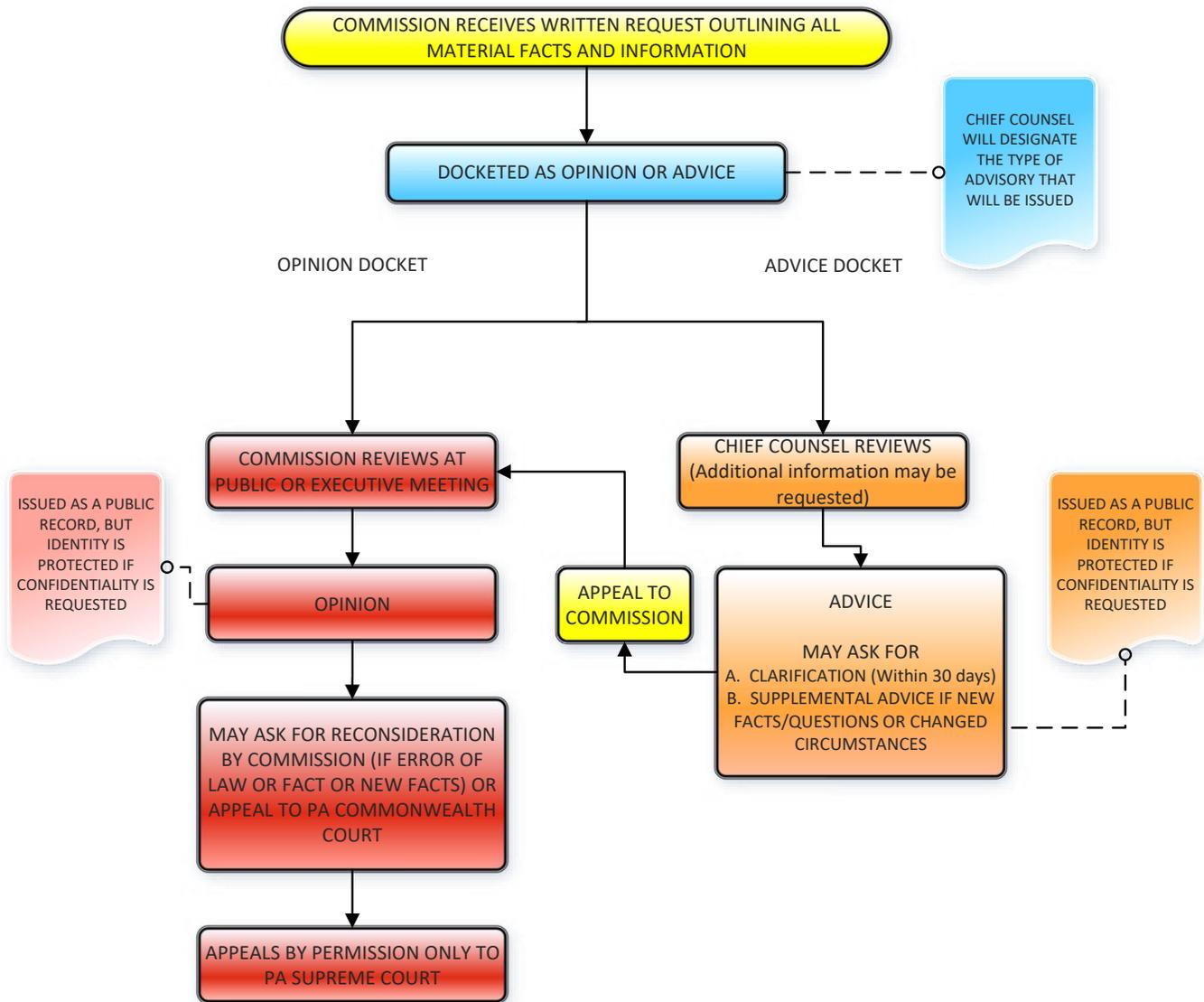
Between January 1, 2022, and December 31, 2022, the Commission issued a total of 72 Advisory Opinions under the Ethics Act, consisting of 9 Opinions and 63 Advices of Counsel.

Opinions and Advices are public records and are publicly posted on the Commission's e-Library at www.ethics.pa.gov. 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.

Advices/Opinions Statistics 2018-2022 (Advices/Opinions issued by the Ethics Commission under the Ethics Act)



OPINIONS AND ADVICES FLOWCHART



COMPLAINTS / INVESTIGATIONS

The Commission’s Investigative Division is tasked with investigating allegations of violations of the Ethics Act upon receipt of a sworn complaint or upon its own motion. Sworn complaints must include the full name and address of the complainant(s) and respondent(s), contain allegations related to a specific individual(s), be signed by the complainant, and be properly notarized.

Upon receipt of a complaint, the Investigative Division will review whether the facts complained of fall within the Commission’s jurisdiction. If not within the Commission’s jurisdiction or if the complaint lacks sufficient information, the Investigative Division notifies the complainant that the complaint will not be opened and outlines the reasons why. If the complaint falls within the

Commission’s jurisdiction, the Investigative Division will initiate a preliminary inquiry which must be completed within 60 days of being opened. If the preliminary inquiry reveals probable cause that a violation of the Ethics Act has occurred, the matter will be opened as a full investigation. If the matter is opened as a full investigation, the complainant must be notified within 72 hours, and both the complainant and the subject of the investigation (referred to as the “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.

No later than 360 days after initiating a full investigation, the Investigative Division will issue an Investigative Complaint/Findings

Report containing the relevant findings of fact which a respondent may Answer within 30 days. A respondent may ultimately choose to negotiate a settlement of the matter, or may challenge the allegations contained within the Investigative Complaint/Findings Report through a full and fair administrative hearing before the Commission.

Ultimately 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 are available on the Commission's e-Library at www.ethics.pa.gov.

The Investigative Division received 366 complaints in 2022. Of those 366 complaints, 41 were initiated as preliminary inquiries, 29 were opened as full investigations, and 11 were referred to the Administrative Division to be handled through the civil penalty process.

The Commission ultimately issued 16 public Orders in 2022. Those Orders included findings of violations of the Ethics Act and the imposition of financial penalties against a number of public officials/public employees including multiple employees of the Pennsylvania Liquor Control Board and the Controller for Clearfield County, the Register of Wills and Recorder of Deeds for Susquehanna County, and other local public officials and public employees of boroughs, townships, school districts, and authorities. The Orders reflected violations for conflicts of interest, including diverting public monies for personal gain, and violations for delinquent and deficient Statements of Financial Interests.

Orders of note issued by the Commission in 2022 included the following:

Order No. 1802: Robert M. Yoder. Issued April 22, 2022.

After an evidentiary hearing, Robert M. Yoder, as a Member and Chairman of the Board of Supervisors of Lower Frederick Township, violated Section 1103(a) of the Ethics Act when he used the authority of his public position for the private pecuniary benefit of himself and a member of his immediate family in relation to his spouse's promotion to a full-time Administrative Assistant position with health insurance benefits starting immediately, which was contrary to Township policy. Additionally, he had numerous deficient Statements of Financial Interests.

The Commission determined that Yoder did not violate Section 1103(a) as to the allegations that he participated in discussions and actions of the Board of Supervisors resulting in the hiring of his spouse to a part-time position with the Township and the allegations that he utilized Township liability insurance in relation to damage that he caused to a utility pole owned by PECO while using the Township backhoe for personal purposes.

Yoder was directed to make payment of restitution in the amount of \$1,600 to Lower Frederick Township and make payment of \$500 in civil penalties to the Commonwealth of Pennsylvania.

Order No. 1805: Michael Negra. Issued June 29, 2022.

Michael Negra, Member of the Pennsylvania Liquor Control Board, did not violate Section 1103(a) of the Ethics Act when he used confidential information not obtainable by the general public to purchase alcohol that was limited in quantity and not available to the general public absent the Liquor Control Board's lottery process due to insufficient clear and convincing evidence of a private pecuniary benefit. Negra was found to have multiple Statement of Financial Interests violations for failing to disclose all reportable income on his 2018, 2019, and 2020 forms.

Negra was directed to make payment in the amount of \$500 payable to the Commonwealth of Pennsylvania. Additionally, Negra agreed to not purchase any items offered by the Pennsylvania Liquor Control Board outside of the process by which a Commonwealth resident may purchase such items.

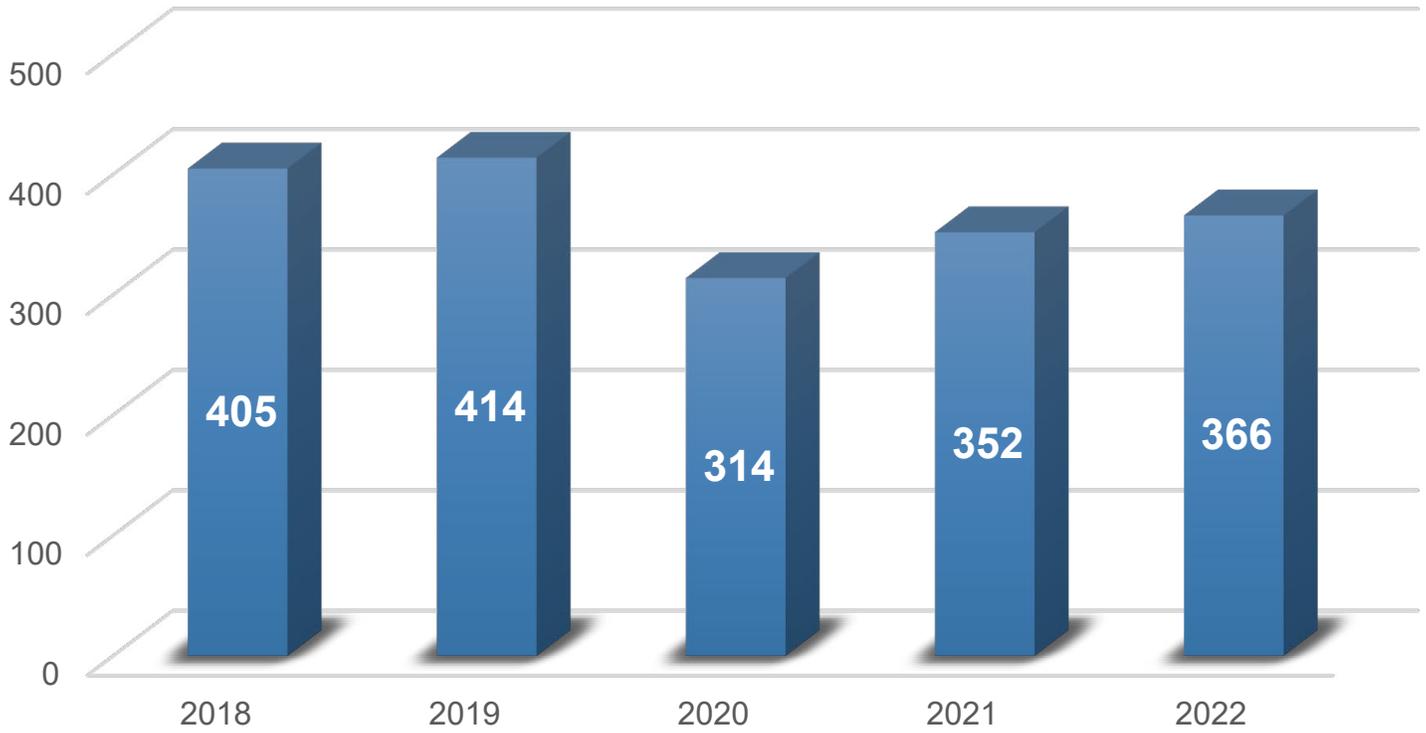
Order No. 1813: Lane M. Turturice. Issued October 5, 2022.

Lane M. Turturice, the Executive Director of the Greene County Housing Authority, violated Section 1103(a) of the Ethics Act when he claimed and accepted compensation from the Greene County Housing Authority for hours not worked. Turturice also violated Section 1103(a) when he claimed and accepted compensation from the Authority for activities performed during business hours that were not related to Authority business, including but not limited to activities involving his private practice of law. He also had a deficient Statement of Financial Interests.

Turturice was directed to make payment in the amount of \$9,864.99 to Greene County Housing Authority and \$250 to the Commonwealth of Pennsylvania.

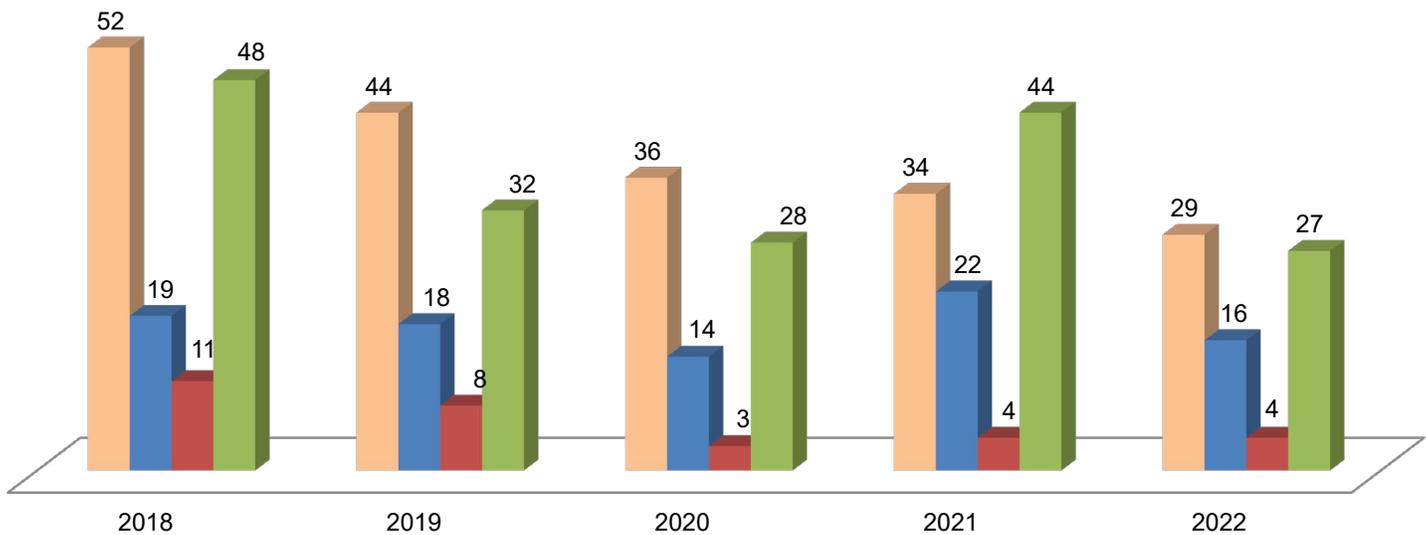


Complaints received 2018-2022

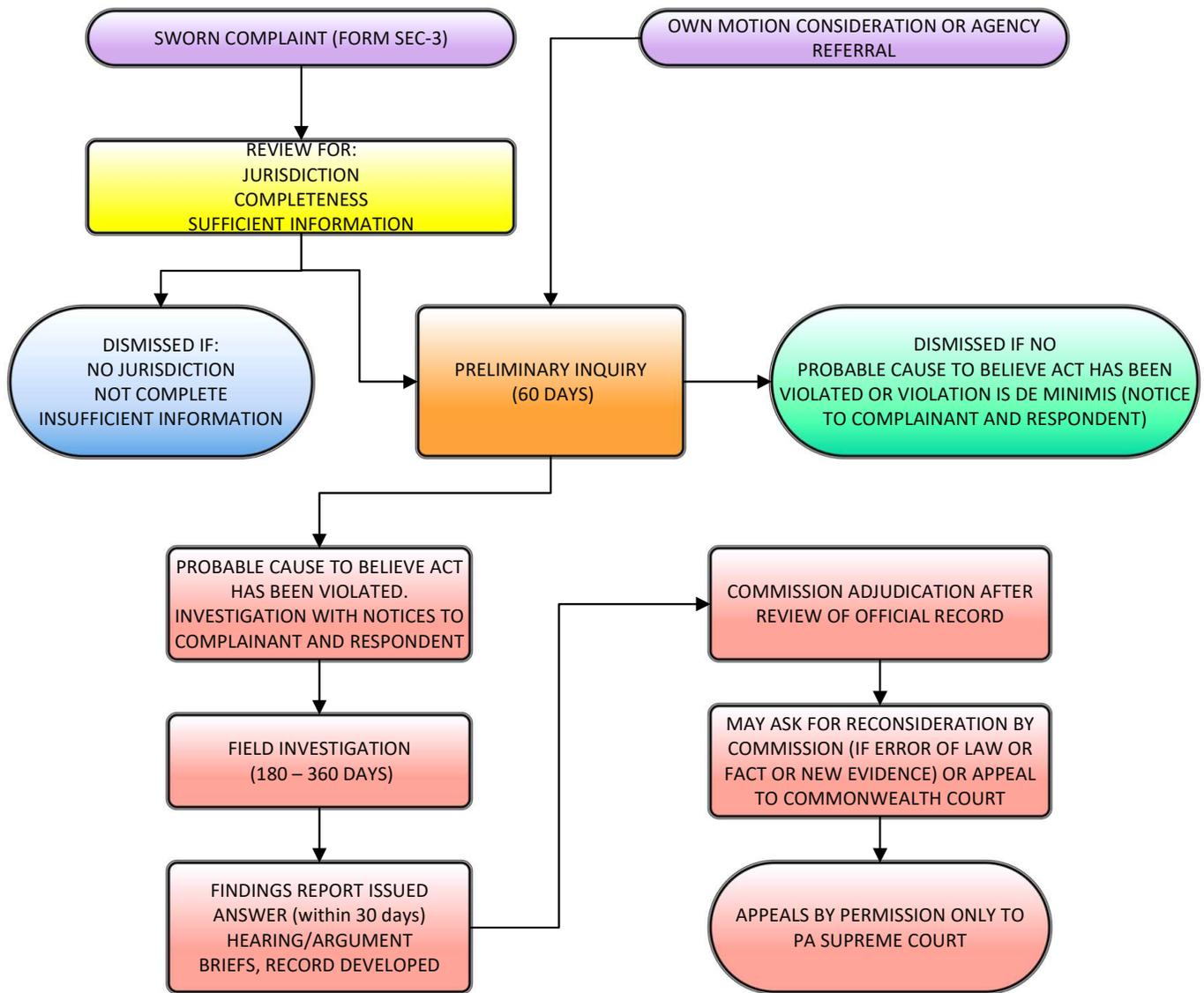


Investigations and Orders 2018-2022

Investigations Opened Ethics Orders Issued Lobbying Orders Issued Civil Penalty Orders Issued



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

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.

The Commission did not receive any requests for advisories under the Lobbying Disclosure Law in 2022.

Enforcement

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 Pennsylvania Office of Attorney General ("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 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 2022. The Commission, through the Investigative Division, monitors and enforces the Lobbying Disclosure Law through compliance reviews of Registration Statements and Quarterly Expense Reports filed by principals, lobbyists and/or lobbying firms with the Pennsylvania Department of State.

During calendar year 2022 the Pennsylvania Department of State did not identify any lobbyists, principals, or lobbying firms which had filed deficient Registration Statements and therefore, the Commission did not pursue any penalties against deficient filers.

During the reporting period for calendar year 2022, 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. Four of those principals did not file their Quarterly Expense Reports and/or otherwise comply with the Warning Notice Letters within the cure period. Those four principals were the subject of Notices of Alleged Noncompliance, an action undertaken by the Investigative Division seeking the assessment of monetary penalties against non-complying principals.

COMMISSION-ORDERED PENALTIES AND RESTITUTION

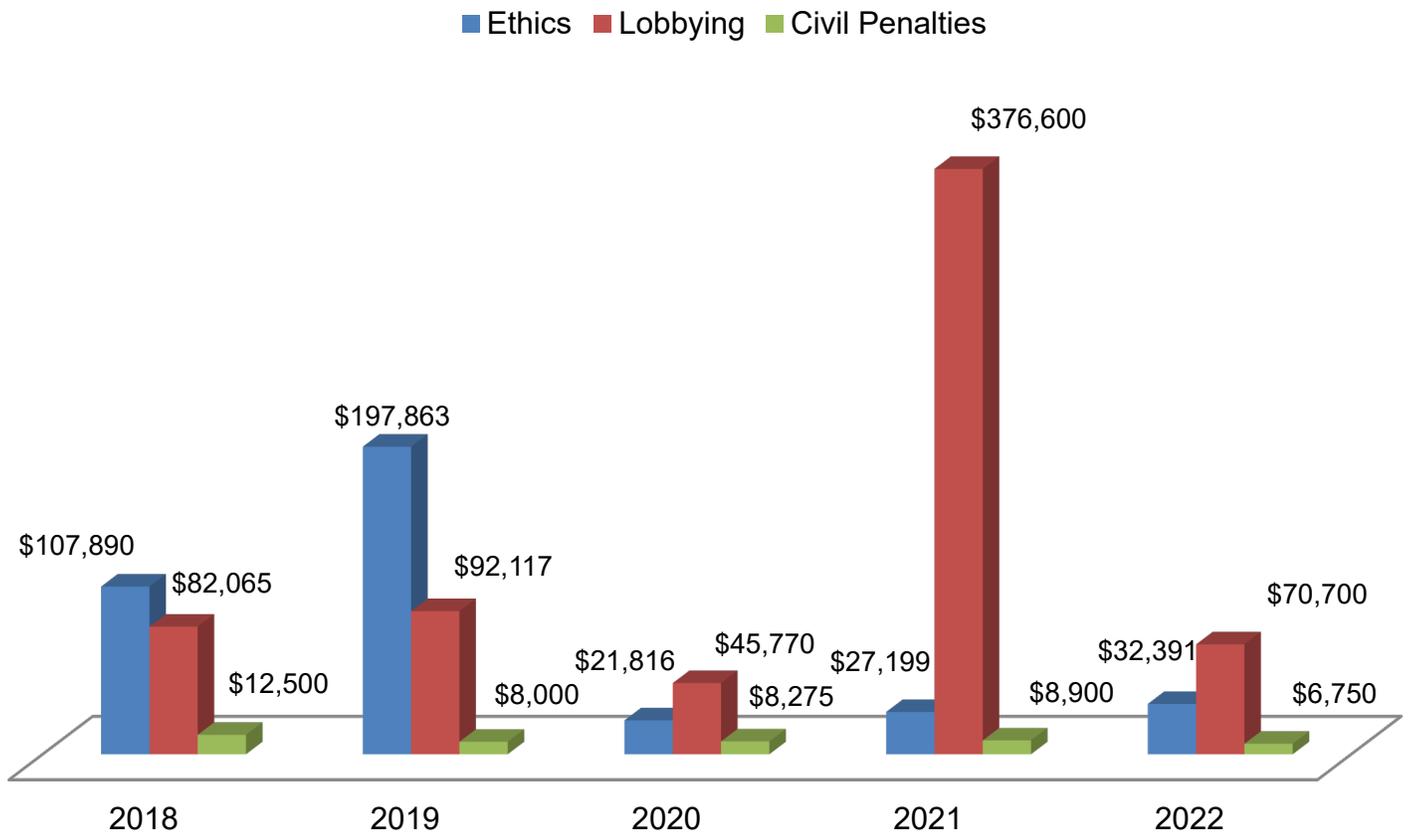
Pursuant to Section 1107(13) of the Ethics Act (65 Pa.C.S. § 1107 (13)), the Commission is empowered to issue findings, reports and orders relating to investigations initiated pursuant to Section 1108 of the Ethics Act (65 Pa.C.S. § 1108). Any order issued by the Commission finding that a public official 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 2022 the Commission ordered the payment of \$32,391.25 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 \$6,750.00 in civil penalties during calendar year 2022.

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. Effective April 16, 2018, the administrative penalty is \$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 2022, the Commission levied penalties totaling \$70,700.00 for late/deficient lobbying Registration Statements and/or Quarterly Expense Reports.

Restitution/Penalties Ordered 2018 - 2022



ACT 114 OF 2016

Pursuant to Act 114 of 2016, dealing with Race Horse Industry Reform, and 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 Gaming Control 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, 2022, through December 31, 2022, the Commission did not receive any requests for Determinations under the Gaming Act.

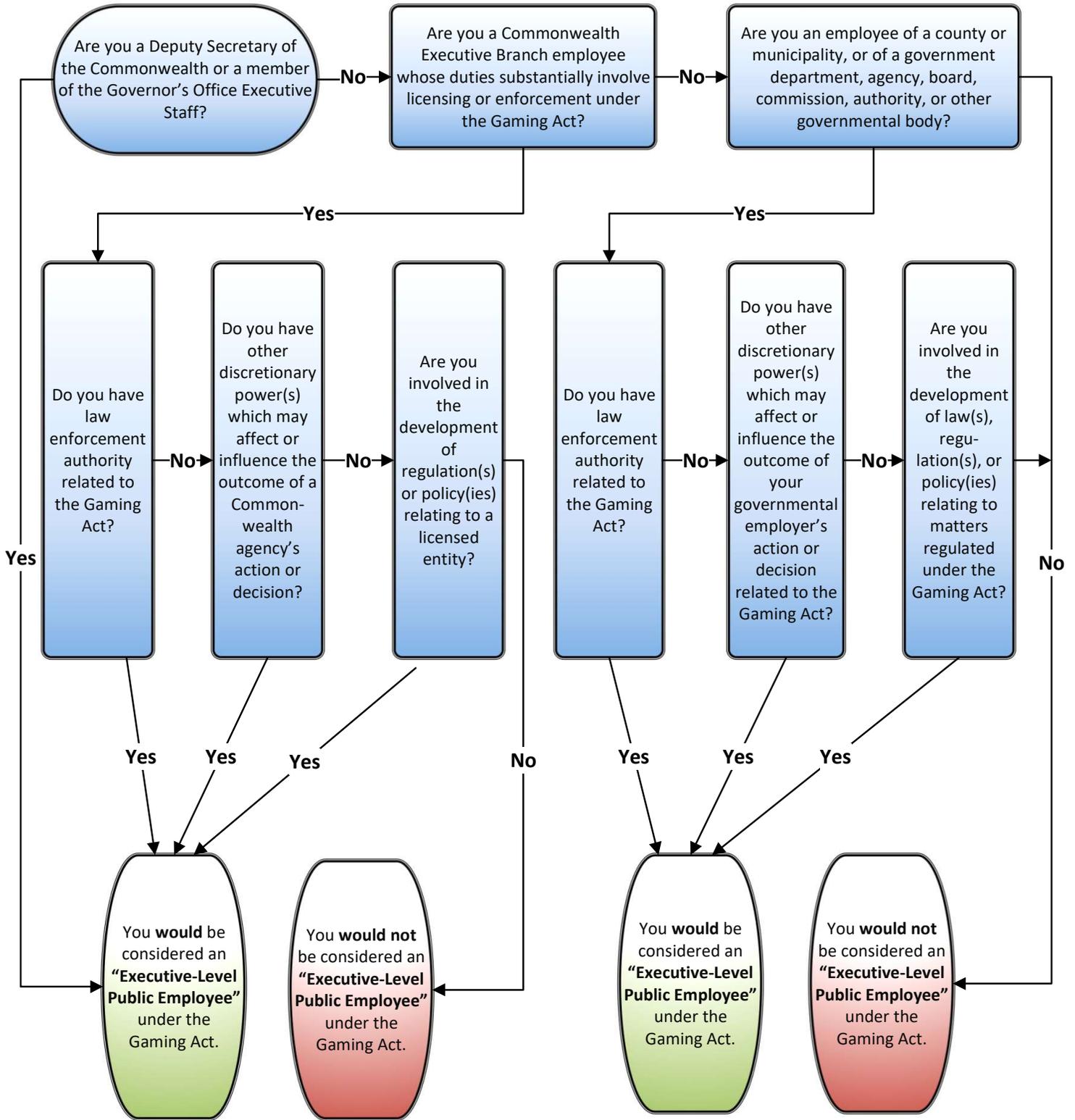
Gaming Lists

Lists developed by the Commission pursuant to the Gaming Act are published biennially in the Pennsylvania Bulletin, and they are also accessible via the Commission’s website within its e-Library at www.ethics.pa.gov and via the Pennsylvania Gaming Control Board’s website at www.gamingcontrolboard.pa.gov, which features a link to the Commission’s e-Library.

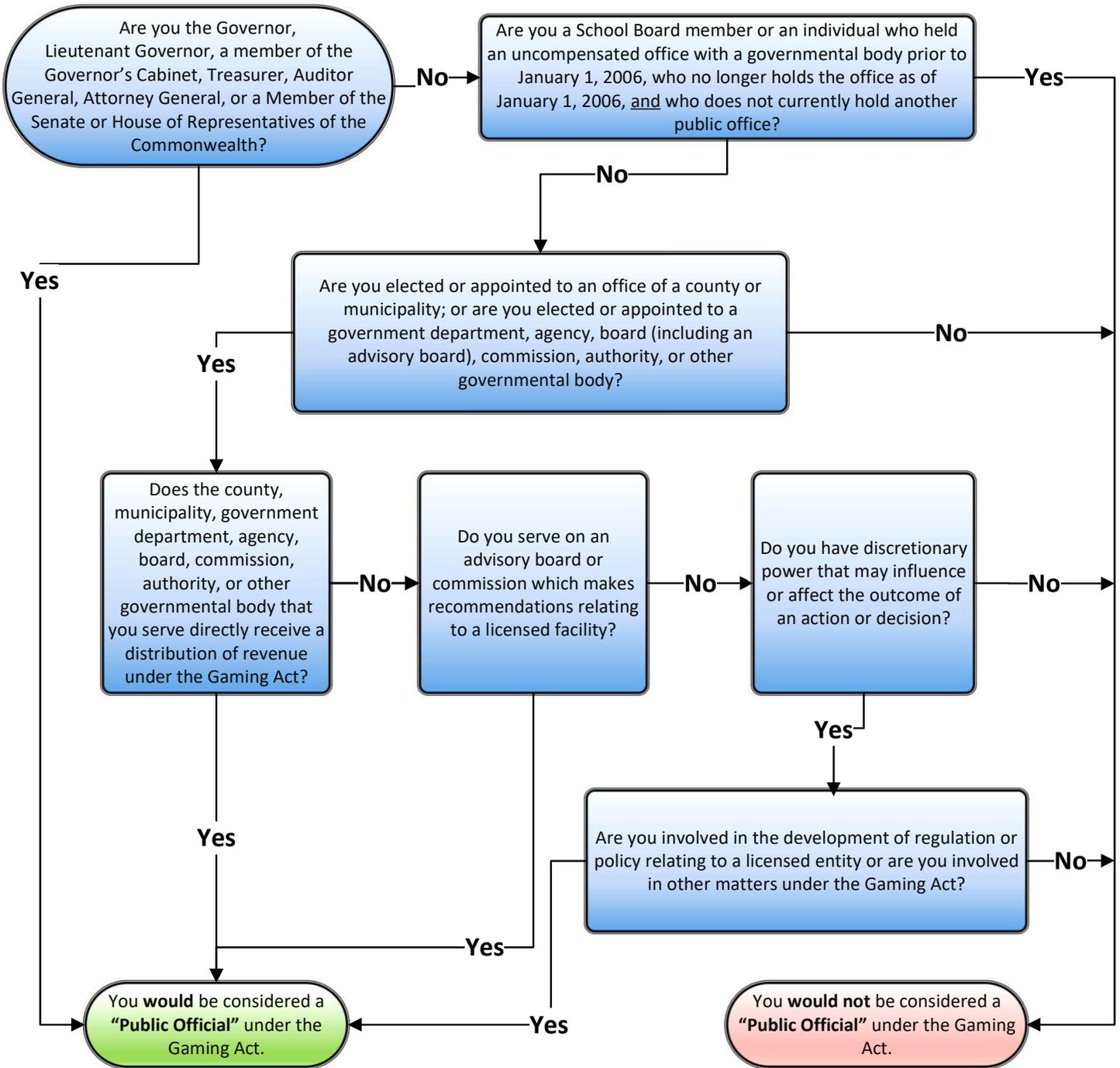
Status as an Executive-Level Public Employee or Public Official

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 Gaming Control 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

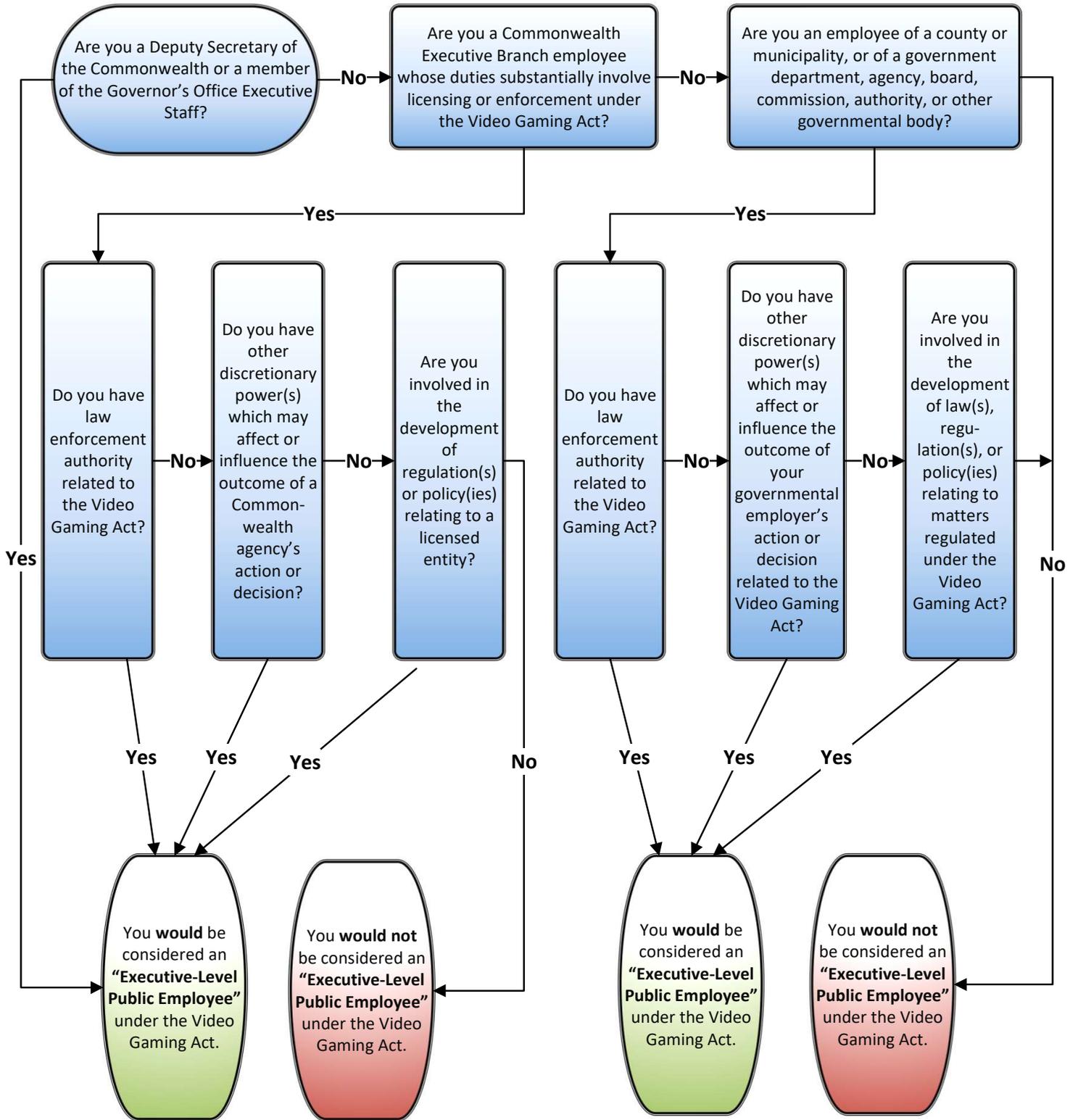
From January 1, 2022, through December 31, 2022, there were no requests submitted to the Commission for a Determination under the Video Gaming Act.

Status as an Executive-Level Public Employee or Public Official

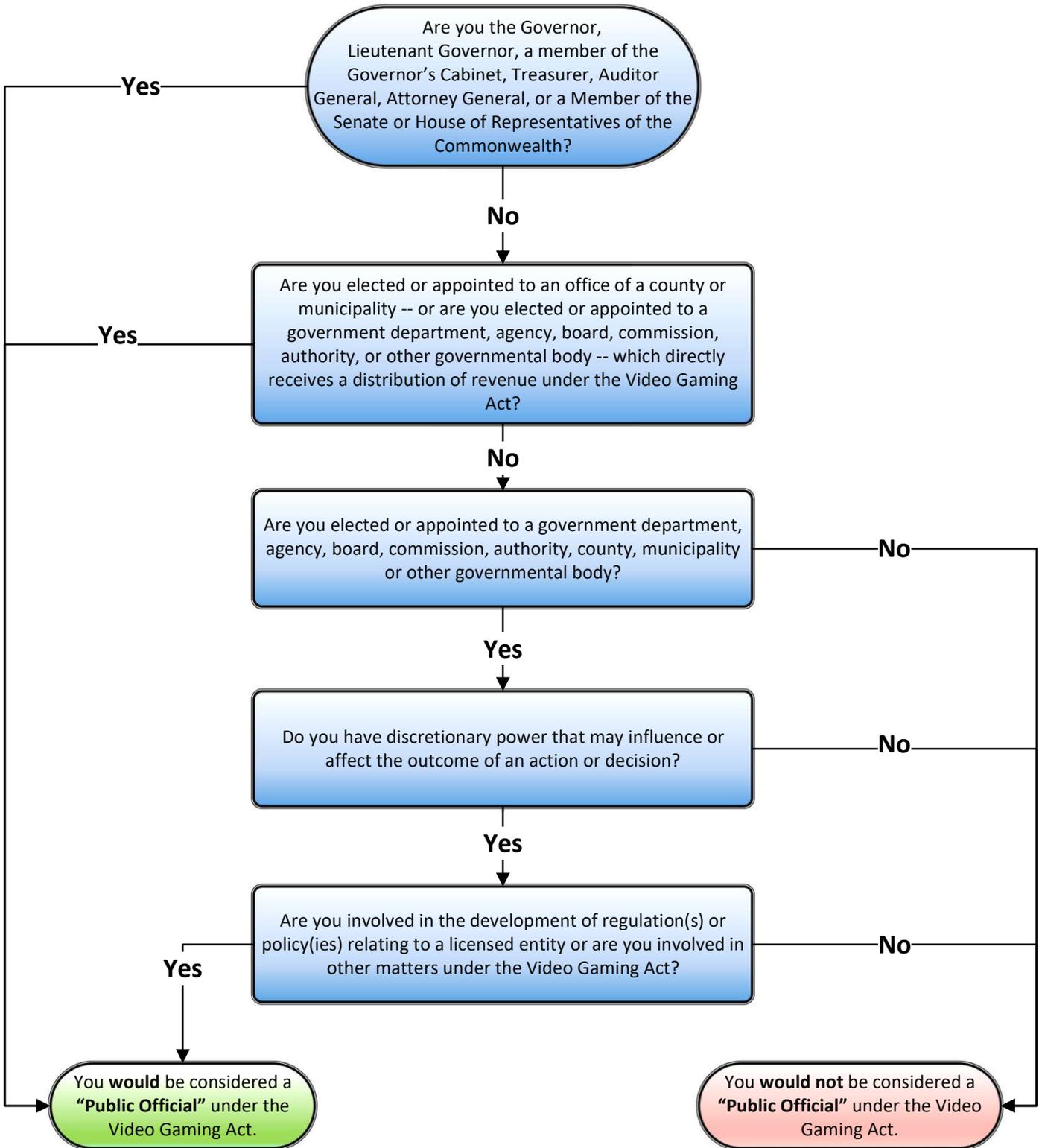
The term “executive-level public employee” is defined in Section 3102 of the Video Gaming Act. The term “public official” is defined in Section 4303(g) of the Video Gaming Act.



VIDEO GAMING ACT: Executive-Level Public Employee Flowchart



VIDEO GAMING ACT: Public Official Flowchart



PENNSYLVANIA MEDICAL MARIJUANA ACT (MMA)

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

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

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

Medical Marijuana Act Determinations

From January 1, 2022, through December 31, 2022, there were no requests submitted to the Commission for a Determination under the Medical Marijuana Act.

Medical Marijuana Act Lists

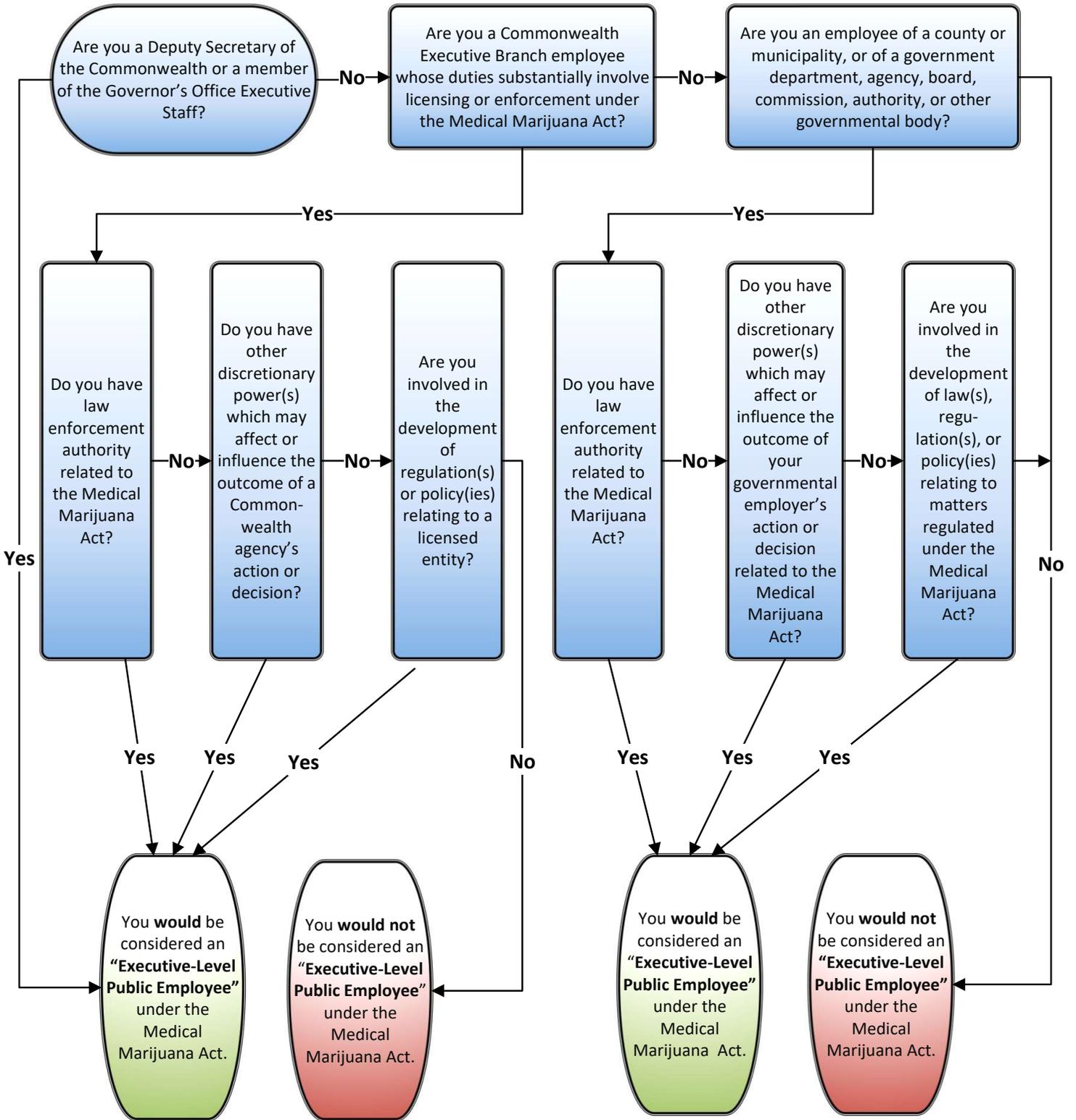
Lists developed by the Commission pursuant to the Medical Marijuana Act will be published biennially in the Pennsylvania Bulletin and can also be accessed via the Commission’s website at www.ethics.pa.gov.

Status as an Executive-Level Public Employee or Public Official

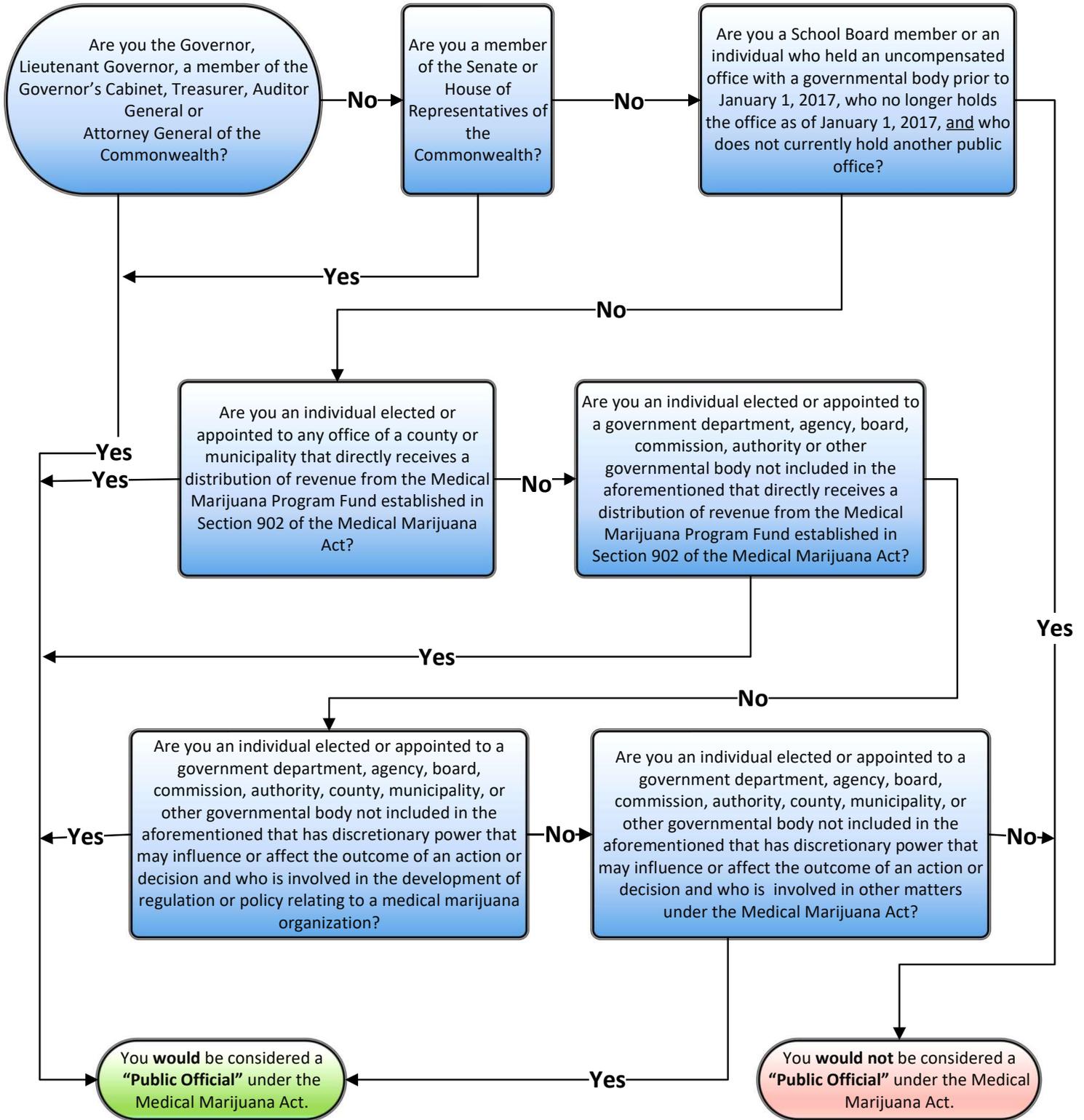
The term “executive-level public employee” is defined as it is defined at Section 1103 of the Gaming Act, 4 Pa.C.S. § 1103, with any references to “this part” referring to the Medical Marijuana Act rather than the Gaming Act. See, Knox, Determination 17-3001. The term “public official” is defined in 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. Two Commissioners and four staff members attended the 2022 Annual COGEL Conference.

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 or virtual setting. During calendar year 2022, the Commission staff completed twenty-five Ethics training events. Thirteen were presented in person, and the remaining twelve were virtual. The Commission was pleased to see an increase in the number of in-person trainings in calendar year 2022 compared to previous years and hopes this trend will continue; however, it will continue to do as many sessions as possible regardless of the session format. The in-state training and outreach programs consisted of presentations geared towards local and state public officials and employees.

Some examples of the organizations that Commission staff provided trainings for in calendar year 2022, as well as in previous years, included the Pennsylvania Municipal Authorities Association (PMAA), Pennsylvania State Association of Boroughs (PSAB), Pennsylvania State Association of Township Supervisors (PSATS) and the Pennsylvania Municipal League.

Commission staff has provided trainings to staff/employees in the City of Pittsburgh, Harrisburg, and Bethlehem who are primarily affected by the Ethics Act. During calendar year 2022, Commission staff also developed new relationships/provided trainings to the Philadelphia Energy Authority and Lehigh Valley Planning Commission.

Individuals seeking training by the Commission can submit a written request to the Commission, or use the Training Request Form available on the Commission's website at www.ethics.pa.gov.

In an effort to further the Commission's mission of educating the public and ensuring the public's confidence in state and local government, Commission staff also created a formal State Ethics Commission LinkedIn profile as another avenue to provide the general public with information on the Ethics Act and other laws the Commission administers. Important notices, agendas and videos from the Commission's public meetings, as well as notices of final Commission adjudications are available on the Commission's LinkedIn page. The Commission's LinkedIn page can be easily accessed by following the link to the page available on the Commission's website at www.ethics.pa.gov.







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