A MATTER OF PUBLIC TRUST

A quarterly newsletter of the Pennsylvania State Ethics Commission

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Public officials traveling on the public's dime cannot stay at luxurious hotels and enjoy the finest of dining; they must be cognizant of their expenses.

That is because public servants have a duty to preserve public funds.

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Work trips and conferences can be great opportunities to network and learn. Certain statutes governing municipal bodies, including the First and Second Class Township and Borough Codes, specifically authorize public officials and public employees to attend conferences. Generally, these statutes require proof of attendance and itemized expenses. While registration may be paid by the governmental body, mileage and transportation to and from the event is generally reimbursable, and governmental bodies may approve additional reimbursable expenses.

The expenses incurred by a public official or public employee must be:

REASONABLE

and

PROMOTE THE GOVERNMENTAL BODY'S BUSINESS OR GENERAL WELFARE.

While a public official may not stay at luxurious hotels and enjoy the finest of dining, they are also not required to stay in a budget motel and eat from the dollar menu at the nearest fast food restaurant while traveling on official business.

The Commission has found expenses related to the following to be unreasonable:

- Arriving two days before the conference begins,
- Room upgrades to a suite (or whirlpool suite),
- Costs for guests/family members (flights, baggage fees, meals, tours, etc.),
- A relaxation massage for a public official's significant other attending the conference,
- In-room movies,
- Sightseeing tours such as swamp/plantation tours and tickets to ride a Ferris wheel and a double-decker bus, and
- Souvenirs.

LESSONS LEARNED FROM RECENT COMMISSION CASES

The intent required by the Ethics Act is the intent to **obtain pecuniary (financial) gain** through the use of one's office or position.

The Commonwealth Court upheld the Commission's Order that an Authority Board Member violated the Ethics Act when she voted to reimburse improper personal expenses she and her guests incurred while attending conferences, including hotel upgrade fees, baggage fees for her daughter, expenses incurred as a result of arriving two or more days early for a conference, sightseeing tours and tourist excursions, and meals and other expenses incurred by guests.

The Court noted that "'to violate the conflict of interest provision ..., a public official must be consciously aware of a private pecuniary benefit for himself, his family, or his business, and then must take action in the form of one or more specific steps to attain that benefit.' (*citing* Kistler v. State Ethics Commission, 22 A.2d 223 (Pa. 2011)). Importantly, the intent required by precedent is not necessarily the intent to knowingly violate the Ethics Act. Rather, it is to **obtain pecuniary (financial) gain** through the use of one's office or position." Kean Staab v. State Ethics Commission, 2025 Pa. Commw. LEXIS 196 (2025).

LESSONS LEARNED FROM RECENT COMMISSION CASES

Do not have a subordinate employee deliver a dumpster to your house in anticipation of your upcoming move, and then not pay for the use of the dumpster or the dumping fees.

A City Mayor instructed City employees to provide her with a City-owned dumpster for personal use at her residence, resulting in a private pecuniary benefit to the Mayor. The Mayor agreed that the State Ethics Commission's Investigative Division could meet its evidentiary standard to convince a fact-finder that a violation of the conflict of interest provision of the Ethics Act occurred. As part of a negotiated settlement, the Mayor agreed to pay $912.70 to the City. Williams, Order No. 1846

Do not vote to award a contract to a business where you are employed in your private capacity, even if your three-member Board of Supervisors is down to two because of a vacancy.

A Township Supervisor engaged in a technical violation of Section 1103(a) of the Ethics Act when he used the authority of his office to award a contract to a business with which he is associated. He also violated the Statement of Financial Interests reporting requirements when he failed to make all required disclosures on his Statement of Financial Interests for 2023. As part of a negotiated settlement, the Supervisor agreed to file a complete and accurate amended Statement of Financial Interests for 2023 and make payment of $250 to the Commonwealth. Deck, Order No. 1850.

LESSONS LEARNED FROM RECENT COMMISSION CASES

A Township's Rural Setting and Historical Practices are not justification for violating the Ethics Act.

After a contested case, the State Ethics Commission found that a Township Supervisor violated Section 1103(a) of the Ethics Act when, absent appointment or authorization by the Township Board of Supervisors and/or the Township Board of Auditors, he used his public office to assume a position of employment with the Township and set his own scope and hours of work, receiving compensation for same. The Commission also found that the Township Supervisor billed the Township and received payment for performing administrative work he was expected to complete in the regular course of his duties as an elected Supervisor. The Commission rejected the argument that the Township's rural setting and historical practices justify any inadvertent violations of the Ethics Act. The Commission ordered the Township Supervisor to pay $2,757.02 in restitution to the Township. McCoy, Order No. 1847.

LESSONS LEARNED FROM RECENT COMMISSION CASES

Do not enter into a consulting contract with your governmental body unless it is done through an open and public process.

A Township Supervisor violated Sections 1103(a) and (f) of the Ethics Act when she used the authority of her position to enter into a consulting contract with the Township to provide stormwater assessments and other related work without an open and public process, and when she was compensated as a Township Consultant for performing the duties of a Township Supervisor. As part of a negotiated settlement, the Supervisor agreed to make payment of $12,491.79 to the Township. Reiner, Order No. 1848

Do not backdate your Statement of Financial Interests to make it appear as though it had been timely filed.

A Zoning Hearing Board and Vacancy Board Member failed to file a Statement of Financial Interests for calendar year 2022 and subsequently backdated his 2022 Statement of Financial Interests to appear as though it had been timely filed. The Board Member also failed to file accurate Statements of Financial Interests for calendar years 2019 through 2023. As part of a negotiated settlement, the Board Member agreed to file complete and accurate Statements of Financial Interests and make payment of $750.00 to the Commonwealth of Pennsylvania. Goodge, Order No. 1849

GET TO KNOW US:

JESSICA WENGER, DIRECTOR OF ADMINISTRATION

Jessica Wenger is the Commission's Director of Administration and has been with the Commission for nine years.

Among her many other duties, Jessica is responsible for administering the Commonwealth's Statement of Financial Interests' filing program. We estimate that around 160,000 public officials, public employees, solicitors, candidates, and nominees are required to file each year. Jessica and her team accept filings, answer questions, conduct compliance reviews, and assist with enforcement proceedings. As a result of their efforts, the citizens of the Commonwealth of Pennsylvania have a tremendous amount of transparency into the financial interests of those who are elected and appointed to represent them!

Jessica also handles all of the Commission's budgetary matters, ensures the Commission has continuity of operations in the event of an emergency, manages our purchasing and travel card programs, issues our press releases, and processes all personnel matters. Jessica and her team are the engine that keep the Commission running smoothly.

"I enjoy working here because of the collaborative environment and the opportunity to learn from talented, dedicated colleagues. The work is meaningful, and I appreciate being part of a team that supports growth and innovation."