

A MATTER OF PUBLIC TRUST

A quarterly newsletter of the Pennsylvania
State Ethics Commission

Spring, 2025

“...in order to foster maximum compliance with its terms, this chapter shall be administered in a manner that emphasizes guidance to public officials and public employees regarding the ethical standards established by this chapter.” Ethics Act, Section 1101.1(b), Purpose.



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ADVICE OF COUNSEL

February 26, 2025

To the Requester:

25-509

This responds to your letter dated February 18, 2025, by which you requested a confidential advisory from the Pennsylvania State Ethics Commission (“Commission”), seeking guidance as to the issue presented below:

Issue:

Whether the Public Official and Employee Ethics Act (“Ethics Act”), 65 Pa.C.S. § 1101 et seq., would impose restrictions upon you with regard to working for a company or firm that does business with the Commonwealth of Pennsylvania (“Commonwealth”) following termination of your employment as the [Position] of the [Unit] within the [Commonwealth Agency].

The State Ethics Commission issues advisory opinions regarding the duties and responsibilities of persons subject to the Ethics Act.

What is the difference between an Advice and an Opinion? An advice is issued by the Commission's Chief Counsel where Commission precedent, court cases, the Ethics Act, or Regulations provide a basis upon which to render such advice. An opinion is issued by the full Commission.

Who can ask for an Advisory Opinion? The only persons or entities with standing to request an advisory are: (1) the person whose conduct is in question or his authorized representative; (2) the appointing authority of the person whose conduct is in question; and (3) the present employer of the person whose conduct is in question. Status as a Solicitor is insufficient, in and of itself, to establish standing. If you are requesting an advisory regarding the conduct of a person other than yourself, you must confirm your standing in writing.

Can I ask about something that has already occurred? Advisories are issued as to future conduct only. If the same or similar conduct has already occurred, the Commission may not issue an advisory.

How long does it take to get an advisory opinion? An advice will usually be issued within 21 working days of the Commission's receipt of the request. If the Commission has determined to issue an opinion in response to the request, the Commission will advise the requester of the date, time and place of the Commission meeting where it will be considered.

What is the effect of an advisory opinion? No person who acts in good faith on an opinion that was issued to him by the Commission may be subject to criminal or civil penalties for so acting, provided that he truthfully disclosed all material facts in the opinion requested.

An advice issued by the Commission's Chief Counsel is a complete defense in any enforcement proceeding initiated by the Commission and evidence of good faith conduct in any other civil or criminal proceeding if the advice was requested at least 21 working days prior to taking the action described in the request, the material facts were as stated in the request, and the subject of the request committed the acts complained of either in reliance on the advice or because of the Commission's failure to provide advice within the 21 working day timeframe or extended deadline.

How much does it cost? There is no charge for obtaining an advisory opinion from the Commission.

Will my advisory opinion be public? Yes, and it will be posted to the Commission's eLibrary site. However, the person requesting the advisory opinion may request it be confidential, in which case a version containing deletions and changes to protect the identity of the persons involved will be made public.

RECENT THEMES IN ADVISORY OPINIONS



Have you recently been elected to a township board of supervisors or borough council and also serve as a member of a local organization, such as a private fire company?

The Commission frequently receives requests for advisory opinions as to whether a public official, who in their private capacity also serves as a member of a local organization such as private fire company, has a conflict of interest in matters pertaining to that local organization that come before their governmental body.

The Ethics Act defines a conflict of interest, in pertinent part, as follows: “Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated.”

The Ethics Act defines “business with which he is associated” as “any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest.” A business includes a non-profit or charitable organization.

The Commission’s advisories have consistently concluded that if you or a member of your immediate family serve as a director, officer, owner, employee, or holder of a financial interest in an organization, such as a private local fire company, then you would have a conflict of interest with regard to participating in discussions or votes on matters before the township board of supervisors or borough council pertaining to that organization. As such, you would be required to abstain from participation, which would include voting, unless a statutory exception is applicable.

Do you have a question about whether your participation in a local organization constitutes a conflict of interest?

Please request an advisory opinion or advice of counsel before you participate in any discussions or votes on any matters pertaining to that organization. Once you have engaged in a discussion or vote on any topic relating to the organization, the Commission will be unable to issue an advisory opinion to you as any such questions would be considered past conduct. The Commission may only issue an advisory opinion pertaining to future conduct, so please **ask before you act!**



GET TO KNOW US:



COMMISSIONER PAUL PARSELLS

Paul E. Parsells was appointed to the Commission on June 7, 2022 by The Honorable Joanna McClinton, then-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.

“Throughout my career I have had the privilege of working with some of the very best and brightest men and women who chose public service as a career. It always frustrated me when those same people were vilified and demeaned as a class because of the actions of a few. While I am enjoying my retirement, it is an honor to serve on the Commission with some remarkable people to help hold those few accountable.”

Welcome Special Investigators Gabriel Stahl & Brittany Schmehl



As a former Commission employee, Gabby capably handled a number of complex investigations including one resulting in a Commission Order that was recently affirmed by the Commonwealth Court. In addition to her excellent investigative work, Gabby helped implement valuable process improvements to streamline our investigations.

Gabby was most recently a Special Agent with the Office of State Inspector General. She also was formerly employed by the Office of Attorney General and Deloitte. We are happy to have her back on our team!

Brittany was with the Office of State Inspector General for about 19 years. She began as a Claims Investigation Agent and worked up to her most recent position of Assistant Deputy State Inspector General in their Bureau of Fraud Prevention and Prosecution.

Brittany has a reputation of doing excellent and extremely thorough investigations, and we're excited for her to bring her considerable talents to the Commission!

