



ETHICS BOARD

December 11, 2012

Present: Joseph Amprey, Melissa Eggert – 2

Absent: Jonathan DeCollo, Jeff Darlington – 2

Also Present: Greg Shantz, Solicitor
Shelly Katzenmoyer, Secretary

The meeting was called to order at 5:21 pm by Greg Shantz, Solicitor.

As a quorum was not present, Mr. Shantz stated that he would update the members present on the issues.

OLD BUSINESS

- Integrity in Government

Mr. Shantz stated that he has made revisions to the Code amendment based on comments by the Audit Committee and Ms. Katzenmoyer. He stated that he will be emailing the final version to Ms. Katzenmoyer for review by Council.

- Philadelphia Lobbying Regulations

Mr. Shantz stated that this item works hand-in-hand with the Integrity in Government regulations. He stated that lobbying legislation is generally very broad and usually deals with third parties. He stated that he has reviewed the Philadelphia information. He stated that Philadelphia has a department that handles only this issue and that if regulations are put in place they must be monitored and well managed or they are not enforceable.

Mr. Shantz suggested that the Board concentrate on Council's approval of the Integrity in Government amendment before moving to this item. He stated that Council should guide the Board if they want these regulations and if they do, how the regulations should be established.

Dr. Amprey agreed with Mr. Shantz's approach to this issue.

Ms. Eggert questioned if there were issues regarding lobbying in the past. Ms. Katzenmoyer stated that she does not have this information. She noted the difficulty she would have having monitoring lobbying.

Dr. Amprey stated that management is key to this issue. Mr. Shantz stated that it needs constant monitoring and paperwork.

Dr. Amprey expressed the belief that Reading should control this issue. He suggested that Philadelphia's regulations be used as an example. He also suggested that Mr. Shantz research regulations used in similar sized cities including Allentown and Harrisburg. Mr. Shantz agreed and stated that Philadelphia's regulations may be too difficult for Ms. Katzenmoyer to monitor.

Dr. Amprey suggested that the other members be updated on this issue and share their opinions.

NEW BUSINESS

- Procedural Clarification for Complaint Investigation

Mr. Shantz reviewed the investigation process and the need to keep the Board out of the process so that they can be an independent judiciary when needed.

Mr. Shantz explained that there is a complaint under investigation that the investigative officer has found to be credible. He stated that the Board will be receiving a Findings Report on the complaint.

Mr. Shantz stated that the subject of the complaint has a strong legal team who is requesting documentation. He stated that the investigative officer has denied the request twice but that he requested the Board's opinion about the issue.

Ms. Katzenmoyer explained that it is her understanding that no documentation is released for Charter Board investigations until after the Findings Report has been issued.

Mr. Shantz stated that he has also reviewed the Charter Board Ordinance. He stated that the Ethics Board should want complaints to be filed to ensure open government. He noted his support of the denial of documentation at this time as the complainant needs protection. He noted that if the documentation is released before the Findings Report there is a chance for a breach of confidential information and the Board could learn information that would taint the hearing process.

Mr. Shantz stated that an amendment to the Code may be necessary to further explain the procedure to be followed and when information will be released.

Dr. Amprey stated that he agrees with the position taken by the investigative officer. He questioned if the Board needed to meet again about this issue.

Ms. Eggert noted her agreement with this position as well.

Ms. Katzenmoyer questioned when another meeting would be necessary. Mr. Shantz stated that it would depend on the timeline being followed by the investigative officer.

Ms. Katzenmoyer read Code Section 8 (F) Evidentiary Hearing #2 Evidence which states in part "The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing..." She expressed the belief that this section refers to the issue and that the documentation will be released with the Finding Report to determine if the subject wishes to request a hearing before the Board. Mr. Shantz agreed.

Ms. Katzenmoyer also read Code Section 10 Confidentiality of Board Information which states in part "All Board proceedings and records relating to an investigation shall remain confidential until a final determination is made by the Board, except as may be required to effect due process...All other file material shall remain confidential." She described the recent disclosure of a Charter Board complaint which is currently in the hearing process. Mr. Shantz again agreed.

Ms. Katzenmoyer will type and distribute this meeting summary to request the opinions of the other Board members on this issue as well.

A meeting will be scheduled based on the opinions of the Board members and the timeline of the investigative officer.

Meeting adjourned at 5:46 pm.

Respectfully submitted,

Shelly Katzenmoyer
Deputy City Clerk