

Pennsylvania State Ethics Commission

65 Pa.C.S. § 1101 et seq.

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Supervising Investigative Counsel



pennsylvania
STATE ETHICS COMMISSION

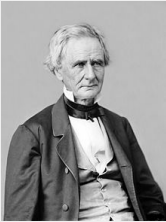


Simon Cameron

Pennsylvanian Politician

Secretary of War under Lincoln

Heavily Involved w/Railroads in Pennsylvania



Conflict of Interest

"A conflict of interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest."

Thompson, Dennis (1993). "Understanding financial conflicts of interest." New England Journal of Medicine 329 (8): 573-76.1

Primary Interests

Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public office.

Secondary Interests

Secondary interest includes not only financial gain but also such motives as the desire for professional advancement and the wish to do favors for family and friends.

Conflict of interest rules usually focus on financial relationships because they are relatively more objective, fungible, and quantifiable.

Generally, secondary interests are not treated as a wrong in among themselves but become objectionable when they are believed to have greater weight than the primary interests.

The conflict in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest.

Public Official

- Elected by the public
- Appointed by a governmental body
- Appointed official
- Any political subdivision



Public Employee

Employed by the Commonwealth or a political subdivision

Responsible for taking or recommending official action of a non-ministerial nature with regard to:

Contracting or procurement; Administering or monitoring grants or subsidies


Planning or zoning; inspecting, licensing, regulating or auditing any person, or

Any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person



 <p>The logo for the Pennsylvania State Ethics Commission, featuring a blue column icon and the text "pennsylvania STATE ETHICS COMMISSION".</p>	<p>RESTRICTED ACTIVITIES:</p>
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No public official or public employee shall engage in conduct that constitutes a conflict of interest.




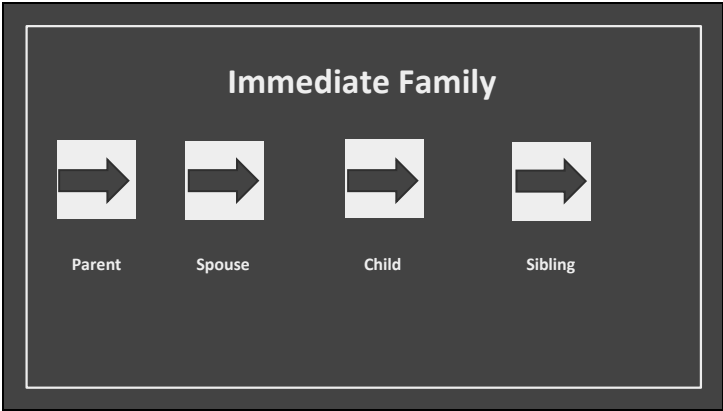
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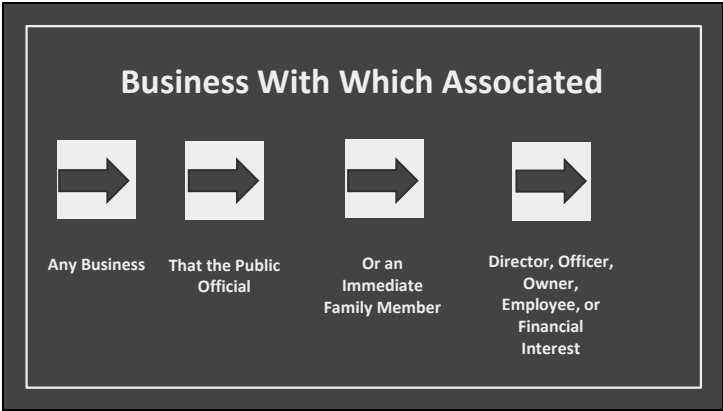
Conflict of Interest – Ethics Act Definition

 1	 2	 3	 4
Use of Authority of Office	Or Confidential Information	For the private pecuniary benefit	Themselves, a member of their immediate family, or a business with which they are associated



	<p>A pecuniary benefit or detriment must be financial.</p> <p>Fair Market Value and/or Face Value</p> <p><small>Commonwealth v. Veon, 637 Pa. 442, 460, 150 A.3d 435, 446 (2016)</small></p>
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EXCEPTIONS

- Action having a *de minimis* economic impact
- Affects to the same degree a class consisting of the general public
- Subclass consisting of an industry, occupation, or other group

Frequent Conflict Of Interest Issues	
Excess Expense	Private business enterprise
Frequent Point Program	Charter schools
Discount Program Offer	Use of Personnel, Equipment, Facilities
Vendor Contest	Nepotism
Surplus Property	Grant Fund Manipulation
Gifts/Travel Provided by Vendor Contractor	Perjury
Solicitations by Superiors/Regulators	




	<p>RED FLAGS</p> <ul style="list-style-type: none">Action with financial implicationConnection to public employmentRelationship connection ... family/friendIs public disclosure a problem?
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Where to file

- Officials/Employees
 - Local/Commission
- Candidates
 - Local/Election Board
- Write-In Winners
 - Local Filing



Issues of Interest




Back-Dating of Statements of Financial Interests.

Allowing Municipal Administrator (Secretary/Manager) to fill out and file forms.

Public access to forms.

Prohibition on receipt of compensation from public funds and service in office.

<p>Proceedings and records relating to an investigation are confidential</p> <p>Identity of a complainant is confidential</p> <p>Final Order is a public record</p>	<p>Investigations</p> 
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