

PENNSYLVANIA STATE ETHICS COMMISSION

# THE ETHICS ACT

A Short Guide On How To Stay  
Out of the Newspapers



**DO YOU TRUST YOUR  
GOVERNMENT?**

# CORE MISSION

The Pennsylvania State Ethics Commission's core mission and guiding principle is that public office is a public trust and that any effort to realize personal financial gain through one's public office is a violation of that trust.

# THREE PRIMARY FUNCTIONS



INVESTIGATIONS



ADVICES AND OPINIONS



STATEMENTS OF  
FINANCIAL INTERESTS

# Restricted Activities



# STATE ETHICS COMMISSION

## JURISDICTION

---

### ➤ PUBLIC OFFICIALS

Any person elected by the public or elected or appointed by a governmental body or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof.

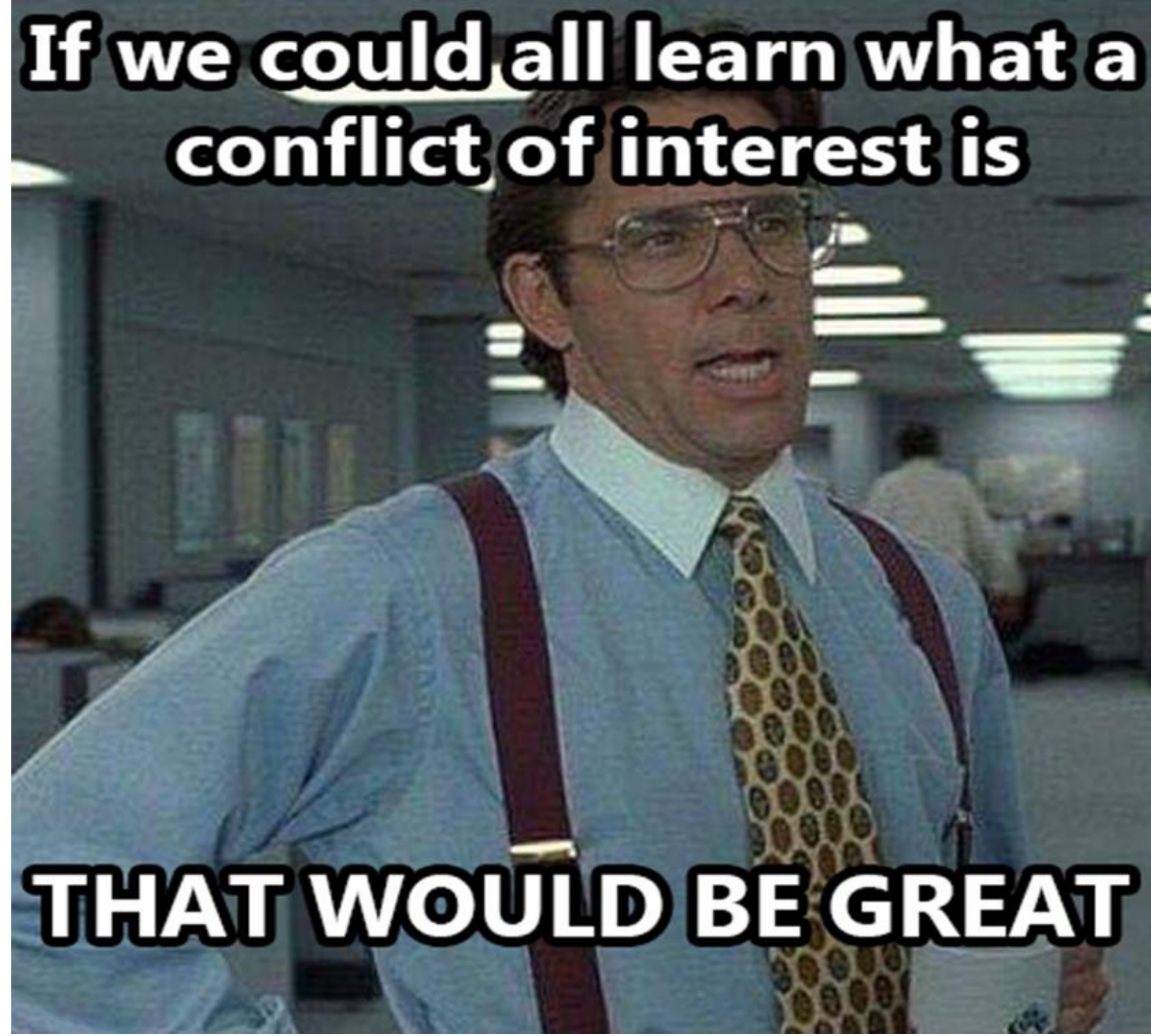
### ➤ PUBLIC EMPLOYEES

Any individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial 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.
-

**If we could all learn what a  
conflict of interest is**

**THAT WOULD BE GREAT**



# Conflict of Interest: 1103(a)

No public official or public employee shall engage in conduct that constitutes a conflict of interest.

**Use of  
Authority of  
Office or  
Confidential  
Information**

**For the  
private  
pecuniary  
benefit of**

**Themselves,  
a member of  
their  
immediate  
family, or a  
business  
with which  
they are  
associated.**

**Profit?**

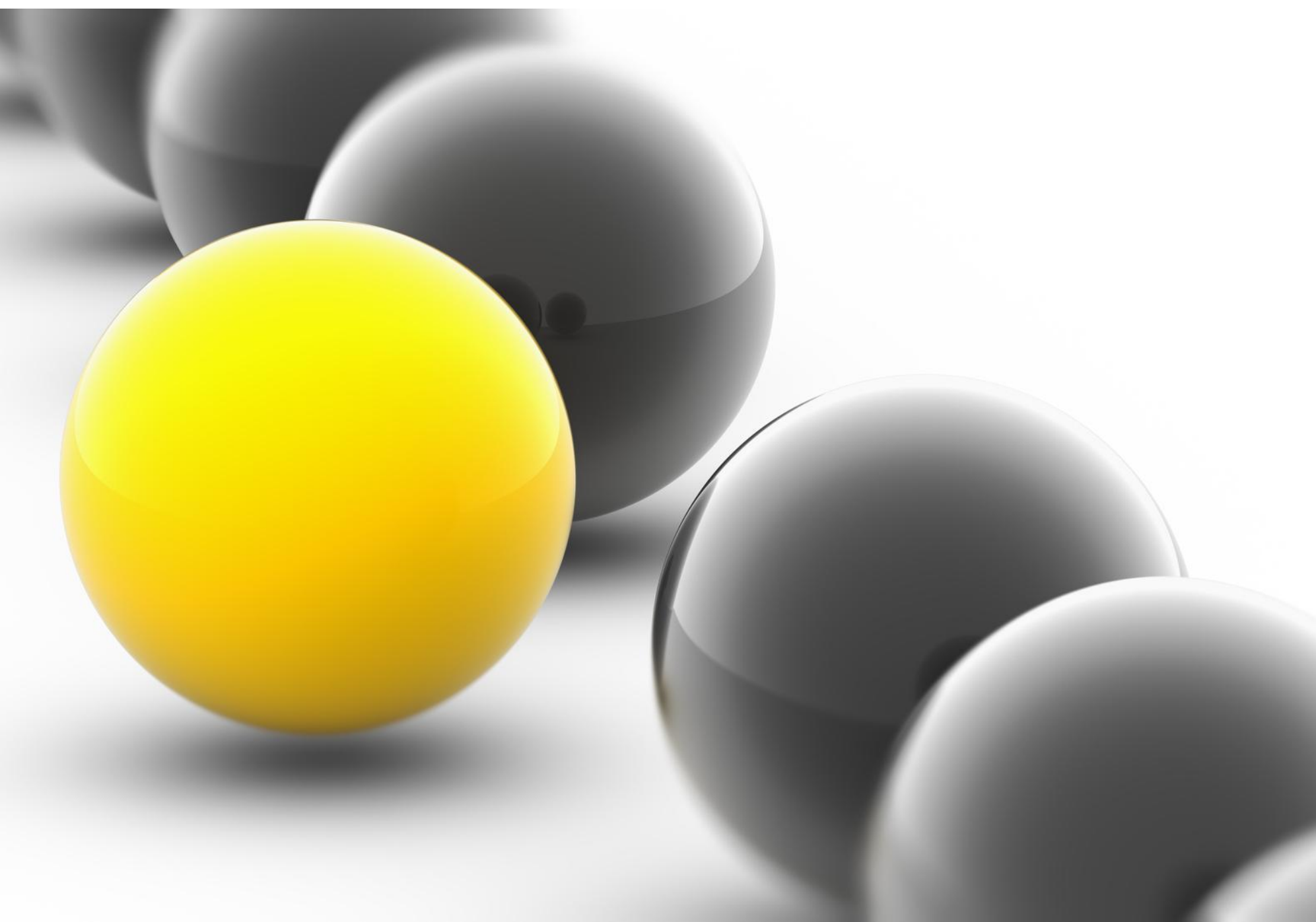


# Exceptions

**Actions 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**



# Nepotism

When can a family member work at the same governmental entity?



# USE OF GOVERNMENT ASSETS





**GIFTS, TRAVEL, LODGING,  
HOSPITALITY**

# Contracting with your governmental body: 1103(f)

**If you, your spouse, or your child - or a business with which you, your spouse, or child is associated - wishes to enter into a contract or subcontract with your governmental body valued at \$500 or more:**



**The contract must have been awarded through an open and public process including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded,**

**AND**

**You shall not have any supervisory or overall responsibility for the implementation or administration of the contract.**

If you have a conflict:



AND publicly announce and disclose nature of your interest in a written memo with the person recording the meeting minutes.

# Breaking a Tie

Section 1103(j) contains **very specific conditions and scenarios** when a public official or public employee may vote even if they have a conflict.



**IMPROPER INFLUENCE**

# Honorarium - 1103(d)

**ARE PROHIBITED**

Payment made in  
recognition of public  
works/appearances

Not intended as  
compensation

Nonpublic  
Occupational or  
Professional in  
Nature

# Revolving Door: 1103(g)

**No former public official or public employee shall**

Represent a  
"person"

For promised or  
actual  
compensation

Before their  
former  
governmental  
body

For one  
year after  
leaving.

# Reliance on Solicitor's Opinion – 1109(g)

A public official of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the solicitor of the political subdivision or upon an opinion of the solicitor of the political subdivision, publicly stated at an open meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to [criminal] penalties ... nor for the treble damages ... However, this subsection shall not apply in situations where the solicitor's opinion has been rendered under duress or where the parties seeking and rendering the solicitor's opinion have colluded to purposefully commit a violation of this chapter.

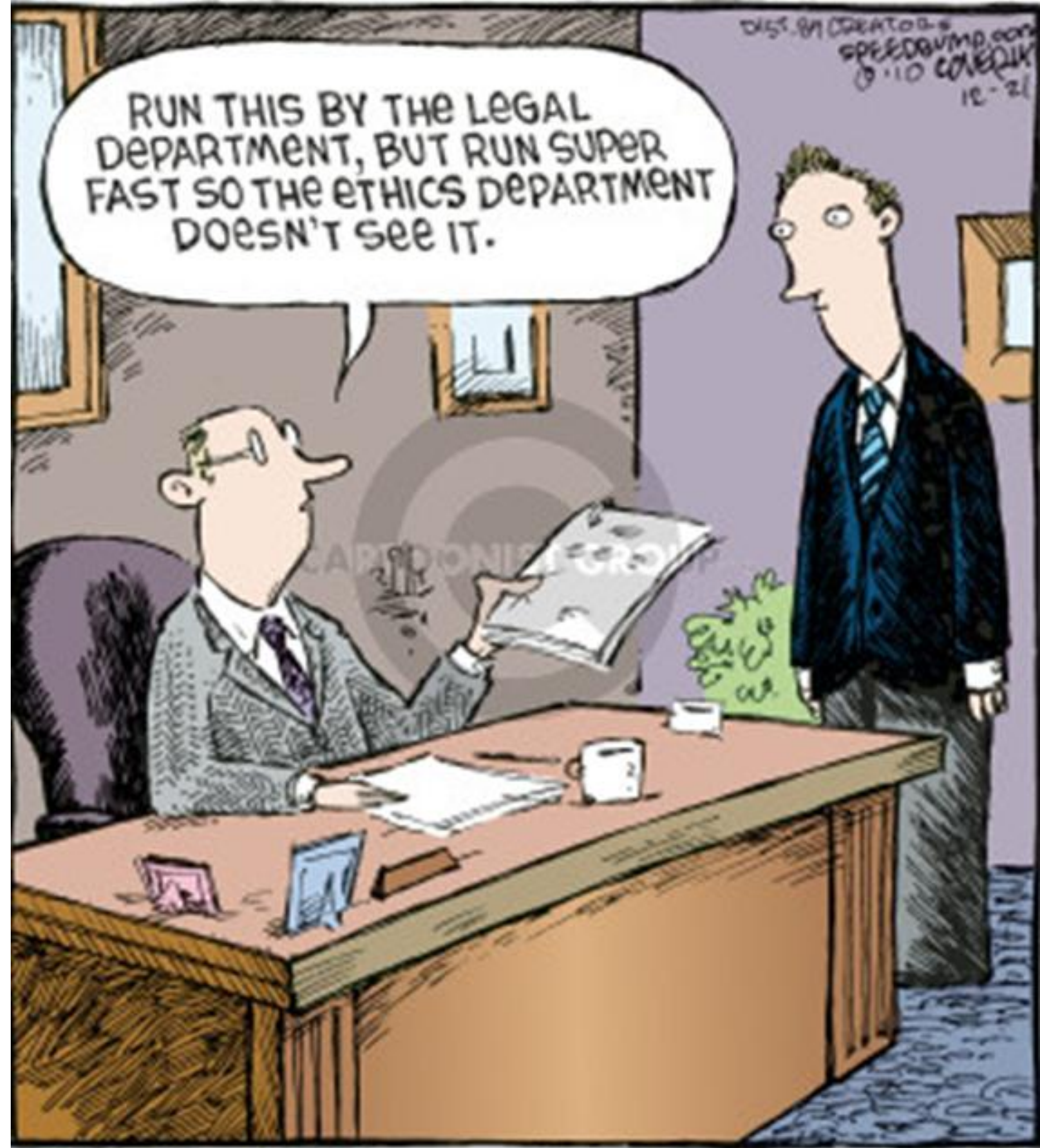
**Relying on a Solicitor's Opinion does not shield a public official or public employee from an Ethics Act Investigation or Violation!**

“Next, we observe that Solicitor X's advice concerning the Authority reimbursing travel costs of Authority Board Members' guests was in error. Allowing Authority Board Members to financially benefit by having the Authority pay for the travel expenses of spouses and other guests contradicts the very foundation of the Ethics Act. Similarly, Solicitor X's testimony that he likely would not have changed his opinions regarding Authority Board Member travel even if Members never attended any of the conference for which they were traveling to attend is also quite concerning. Common sense dictates that public monies should not be utilized for Member travel, meals, and other hospitality unless there is some benefit to the business of the Authority. Clearly, there was little, if any, such benefit here.

In addition to the poor advice given by the Solicitor, we note that the courts have concluded that acting in good faith on the advice of the solicitor and other sources is not sufficient cause to absolve an individual from penalties of the law. See Hoak/ McCutcheon v. State Ethics Commission, 466 A.2d 283 ( Pa. Cmwlt. 1983), Cotlar v. Westminster Township, 302 A.2d 859 Pa. Cmwlt. 1973).”

Kean Staab, Order No. 1842

# Advices and Opinions



# WHAT IS AN ADVICE?

**The Commission provides advice  
and guidance regarding the  
duties of those who are subject  
to the Ethics Act**



**Such advice and guidance is in  
the form of Advices of Counsel  
and Opinions of the Commission**

# PROSPECTIVE



# NOT PROSPECTIVE



# Investigations

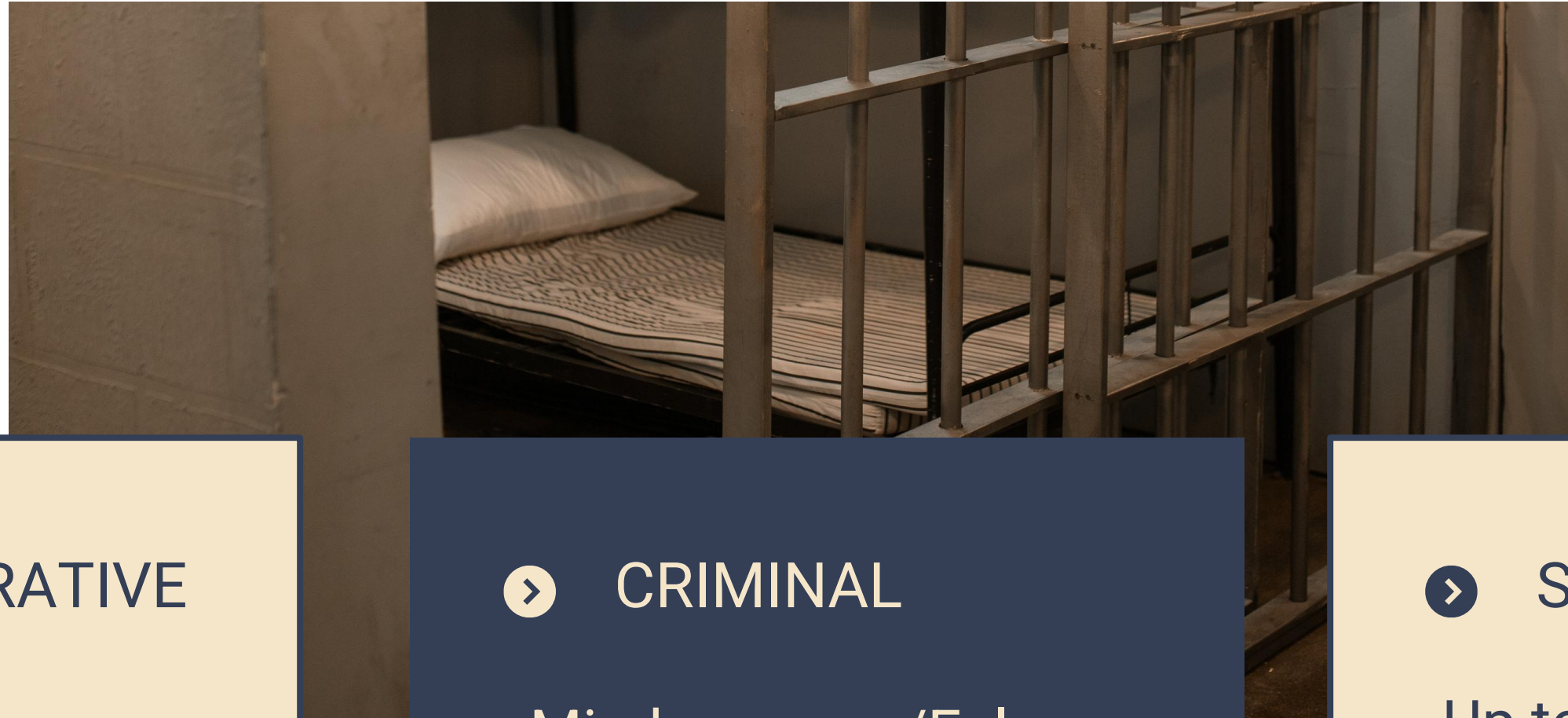


Proceedings and records relating to an investigation are confidential

Identity of a complainant is confidential

Final Order is a public record

# PENALTIES



## ➤ ADMINISTRATIVE

Public Order  
Restitution  
Treble penalties

## ➤ CRIMINAL

Misdemeanor/Felony  
Up to \$10K fine  
Up to 5 years prison

## ➤ SFI

Up to \$250 per form

# Statements of Financial Interests are Public Records!

“All statements of financial interests filed pursuant to the provisions of this chapter **shall be made available for public inspection and copying during regular office hours**, and copying facilities shall be made available at a charge not to exceed actual cost.” Ethics Act, Section 1104(e).

“A governmental body required to maintain [SFIs] **shall make them available for public inspection and copying during regular business hours**.” Ethics Regulations, Section 19.4(b).

“Statements of Financial Interests more than 1 year old will be made available for public inspection and copying within 2 working days after the request has been made for the [SFIs].”

Ethics Regulations, Section 19.4(c).

“The [SFIs] shall be kept on file for 5 years after the Commission or governmental body receives the [SFIs].”

Ethics Regulations, Section 19.4(c).





COMMONWEALTH OF PENNSYLVANIA  
STATE ETHICS COMMISSION

Finance Building  
613 North Street, Room 309  
Harrisburg, PA 17120-0400  
(717) 783-1610 or Toll Free 1-800-932-0936  
www.ethics.pa.gov  
ra-ethicswebmaster@pa.gov  
Fax: (717) 787-0806



STATEMENT OF FINANCIAL INTERESTS

**THIS FORM IS CONSIDERED DEFICIENT IF ANY BLOCK IS NOT COMPLETED OR IF SIGNATURE OR DATE IS MISSING.**

**THOSE INDIVIDUALS WHO HOLD MORE THAN ONE OFFICE AND/OR POSITION MUST FILE A COPY OF THEIR FORM AT EACH FILING LOCATION.**

**YOU MAY FILE ONLINE AT: [WWW.ETHICS.PA.GOV](http://WWW.ETHICS.PA.GOV). A PAPER COPY MAY STILL BE REQUIRED TO BE SUBMITTED TO YOUR FILING LOCATION. FILERS SHOULD CHECK WITH THEIR FILING LOCATION FOR REQUIREMENTS.**

**THIS FORM MUST BE COMPLETED AND FILED BY:**

- A Candidates** - Persons seeking elected state, county and local public offices, including first-time candidates, incumbents seeking re-election, and write-in candidates who do not decline nomination/election within 30 days of official certification of same.
- B Nominees** - Persons nominated for public office subject to confirmation.
- C Public Officials** - Persons serving as current state/county/local public officials (elected or appointed). The term includes persons serving as alternates/designees. The term excludes members of purely advisory boards.
- D Public Employees** - Individuals employed by the Commonwealth or a political subdivision who are 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. The term does not include individuals whose activities are limited to teaching.  
  
A former public official or former public employee must file the year after termination of service with the Commonwealth or political subdivision.
- E Solicitors** - Persons elected or appointed to the office of solicitor for political subdivision(s).

**IMPORTANT:** Please read all instructions carefully prior to completion of form. Also, review the filing chart for proper filing location. Any questions may be directed to the State Ethics Commission at (717)783-1610 or Toll Free at 1-800-932-0936.

The Form is required to be filed pursuant to the provisions of the Public Official and Employee Ethics Act "Ethics Act," 65 Pa C.S. § 1101 et. seq.

## STATEMENT OF FINANCIAL INTERESTS INSTRUCTIONS

Please print neatly in capital letters. If you require more space than has been provided, please attach an 8 1/2" x 11" piece of paper to the form. Blocks 01 through 08 are for current information.

- Block 01** Enter your last name, first name, middle initial and suffix (if applicable) in the spaces provided. Public office candidates should use the exact name used on official nomination petition or papers.
- Block 02** List an office (business or governmental) or home address and daytime telephone number.
- Block 03** Check the box or boxes to indicate your status. See definitions on front page. If you are correcting a prior filing, please check the box designating an amended form.
- Block 04** Check the appropriate box (seeking, hold, held) for each position you list in the blocks below. List all public position(s) which you are seeking, currently hold, or have held in the prior calendar year. Please be sure to include job titles and official titles such as "member" or "commissioner" (even if serving as an alternate/designee).
- Block 05** List all Commonwealth agency(ies) or political subdivision(s) as to which you: (1) are presently seeking a public position or public office as a candidate (incumbent or non-incumbent) or nominee; (2) presently hold public office(s) or public employment; and/or (3) previously held a public office(s) or public employment during all or any portion of the calendar year listed in block 07. (The term "political subdivision" includes a county, city, borough, incorporated town, township, school district, vocational school, county institution, district, and any authority, entity or body organized by the aforementioned).
- Block 06** List your current occupation or profession. This information may be the same as stated in block 04.
- Block 07** List the calendar year for which you are filing this form. Like tax returns, the form discloses financial information for a prior calendar year. For example, for the form due May 1, 2024, block 07 would read "2023." The information in blocks 08 through 15 should represent financial interests for the calendar year listed in Block 7.
- Block 08** **REAL ESTATE INTERESTS:** List the address of any property which was involved in transactions (leasing, purchasing, or condemnation proceedings of real estate interests) with the Commonwealth or any other governmental body within the Commonwealth. If you have no direct or indirect interests in such a property, then check "NONE."
- Block 09** **CREDITORS:** List the name and address of any creditor and the interest rate of any debt over \$6,500 regardless of whether such debt is held solely by you or jointly by you and any other individual, including your spouse, where each obligor is fully responsible for the obligation. A joint obligation with other persons for which the filer is responsible only for a proportional share that is less than the reporting threshold, is not required to be reported. Do not report a mortgage or equity loan on your home (or secondary home), or loans or credit between you and your spouse, child, parent or sibling. Car loans, credit cards, personal loans and lines of credit must be listed on the form if the balance owed was in excess of \$6,500 at any time during the calendar year. If you do not have any reportable creditor, then check "NONE."
- Block 10** **DIRECT OR INDIRECT SOURCES OF INCOME:** List the name and address of each source of \$1,500 or more of gross income -- including but not limited to gross income from the public position -- regardless of whether such income is received solely by you or jointly by you and another individual, such as a spouse. "Income" includes any money or thing of value received or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial interest in a corporation, professional corporation, partnership or other entity resulting from termination/withdrawal therefrom upon assumption of public office or employment or any other form of recompense or combination thereof. The term refers to gross income and includes prize winnings and tax-exempt income but does not include gifts, governmentally-mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee, or miscellaneous incidental income of minor dependent children. Filers are not required to list income amounts. If you do not have ANY reportable source of income, then check "NONE."
- Block 11** **\*GIFTS:** For each source of gift(s) valued at \$250 or more in the aggregate, list the following information: the name and address of the source; the circumstances, including a description of each gift; and the value of the gift(s). Do not report political contributions otherwise reportable as required by law, gift(s) from friends or family members (the term "friend" does not include a registered lobbyist or employee of a registered lobbyist), or any commercially-reasonable loan made in the ordinary course of business. The Commission has held that a person cannot be deemed a "friend" if that person and/or a business with which that person is associated is regulated by or has contracts with the public official's governmental body. If you did not receive any reportable gift, then check "NONE."
- Block 12** **\*TRANSPORTATION, LODGING OR HOSPITALITY EXPENSES:** List the name and address of each source and the amount of each payment/reimbursement by the source for transportation, lodging or hospitality that you received in connection with your public position if the aggregate amount of such payments/reimbursements by the source exceeds \$650 for the calendar year for which you are reporting. Do not report reimbursements made by a governmental body or by an organization/association of public officials/employees of political subdivisions that you serve in an official capacity. If you do not have any reportable expense payments/reimbursements, then check "NONE."
- Block 13** **OFFICE, DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS ENTITY:** List the name and address of the business entity for any office that you hold (Example: President, Vice President, Secretary, Treasurer), any directorship that you hold (through service on a governing board such as a board of directors), and any employment that you have in any capacity whatsoever as to any business entity. This block focuses solely on your status as an officer, director or employee, regardless of income. If you do not have any office, directorship or employment in any business entity to report, then check "NONE."
- Block 14** **FINANCIAL INTERESTS:** List the name and address and interest held in any business for profit of which you own more than 5% of the equity or more than 5% of the assets of economic interest in indebtedness. If you do not have any such financial interest to report, then check "NONE."
- Block 15** **TRANSFERRED BUSINESS INTERESTS:** List the name and address of any business in which you transferred a financial interest (as defined in block 14 above) to a member of your immediate family (parent, spouse, child, brother or sister), as well as the interest held, relationship to the individual, and date of transfer. If you did not transfer any such business interest, then check "NONE."
- Signature** Sign the form and enter the current date. Back dating the form is a violation of law and could result in the initiation of civil, administrative and/or criminal penalties.

\*Please note the Commission has long held that the receipt of things of value, such as gifts, transportation, lodging and hospitality from vendors, those regulated, and others, may form the basis for a conflict of interest under Section 1103(a) of the Ethics Act.



## WHO MUST FILE, WHERE TO FILE, AND WHEN TO FILE

WHO MUST FILE	ORIGINAL COPY	ADDITIONAL FILINGS*	WHEN TO FILE
<b>A. STATUS BLOCK A - CANDIDATES</b> Statewide State Senate State House  Supreme Court Superior Court Common Pleas Court Traffic Court Municipal Court Commonwealth Court  Constables / Deputy Constables	State Ethics Commission	Append to nomination petition when filed with the State Bureau of Elections 210 North Office Building Harrisburg, PA 17120-0029	ON OR BEFORE THE LAST DAY FOR FILING A PETITION TO APPEAR ON THE BALLOT FOR ELECTION
Countywide City Borough Township Municipality (home rule charter)	File with the Clerk/Secretary in the Municipality in which you are a candidate	Append to nomination petition when filed with County Board of Elections	
Magisterial District Judges	File with the County in which the Magisterial District is located		
School Director	File in the School District where you are a candidate		
Announced Write-in Unannounced Write-in Winners of Nominations Unannounced Write-in Winners of Elections	For state office file with State Ethics Commission. For county or local office file with governing authority of political subdivision.	No additional copy required	Within 30 days of official certification of having been nominated or elected unless such person declines the nomination or office within that time frame.
<b>B. STATUS BLOCK B - NOMINEE</b> State Level  County/Local Level	State Ethics Commission  Governing authority of political subdivision	File with the Official or Body vested with the power of confirmation	10 days before official or body approves or rejects the nomination.
<b>C. STATUS BLOCK C - PUBLIC OFFICIAL</b> Commonwealth Public Officials such as: Members of Boards and Commissions (including alternates/designees); Heads of executive, legislative and independent agencies, boards and commissions; and persons appointed to positions designated as offices.	State Ethics Commission	File with <u>each</u> Agency, Board, Commission, Department, or Government Body in which employed or to which appointed. (make additional copies if needed)	FILE NO LATER THAN MAY 1 OF EACH YEAR A POSITION IS HELD AND OF THE YEAR AFTER LEAVING SUCH A POSITION.
State House Member State Senate Member	State Ethics Commission	File with the House Chief Clerk or Senate Secretary (whichever applies)	
Local Public Officials serving in/as: Counties; Boroughs; Townships; Home Rule Municipalities; Municipal Authorities; School Districts  Incumbent Judges and Magisterial District Judges who are not candidates file a Statement of Financial Interests for Judicial Officers with the Administrative Office of Pennsylvania Courts (AOPC).	File only with the governing authority of the respective local political subdivision	Additional copy is not required to be filed (unless serving in multiple capacities, then file with <u>each</u> entity as required)	
Constables / Deputy Constables	State Ethics Commission		
<b>D. STATUS BLOCK D - PUBLIC EMPLOYEE</b> Commonwealth PUBLIC EMPLOYEE (Executive, Leg. & Independent Agencies)	File only with your Employer	No additional copy required	
County City Borough Township Municipal (home rule) Municipal Authority School District	File only with your political subdivision		
<b>E. STATUS BLOCK E - SOLICITOR</b>	File with the governing authority of <u>each</u> political subdivision for which you are Solicitor	Additional copy is not required to be filed (unless serving in multiple capacities, then file with <u>each</u> entity as required)	

\* FILER IS RESPONSIBLE FOR MAKING ANY ADDITIONAL COPIES.

\$250.00 Civil Penalty

\$371.06 Court Costs

Found in Contempt of Court

Warrant for Arrest

SFI Shown to Whole State

PRICELESS

*broke my ADS!*

**INTERESTS**

LAST NAME: MAYABO FIRST NAME: DAANE MI: MI

STREET ADDRESS: 2600 Agate St #109 CITY: Ann Arbor STATE: MI ZIP: 48106

DATE OF BIRTH: 08/17/1975

STATUS:  A. Current State Resident  B. Former Resident  C. Non-Resident  D. Other (Specify)

PUBLIC UTILITY OR PUBLIC SERVICE: CONSUMED SERVICE POLICY ANALYST II

PUBLIC UTILITY COMMISSION: GLAD TO BE GONE!

DATE OF BIRTH: 08/17/1975

OFFICE EMPLOYMENT OR EMPLOYMENT BEAUTY BUSINESS: ProDress In Hair

PROFESSIONAL OFFICE OR ANY LEGAL SOCIETY IN SERVICE FOR PROFIT: ProDress In Hair - 6500 West Howell Road

BUSINESS OR SERVICE TRANSPORTED TO WORKER: None

*SHOLES!*

*③#%\$* *③#%\$* *③#%\$*



# Questions?

Pennsylvania State Ethics Commission

[www.ethics.pa.gov](http://www.ethics.pa.gov)

717-783-1610