

**THE ACCOUNTABILITY CONDUCT AND ETHICS
COMMISSION OF ALLEGHENY COUNTY**

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WILLIAM F. WARD, ESQ.
CHAIRMAN

TONYA B. JOHNSON, ESQ.
MR. DARYL REEVES
MS. KIMBERLY A. DUNLEVY

Honorable Patrick Catena, President
Allegheny County Council
119 Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

ANNUAL REPORT – 2023

Dear President Catena:

Pursuant to Section 105.10 of The Accountability, Conduct and Ethics Code of Allegheny County (the "Ethics Code"), this letter shall provide an Annual Report to the Allegheny County Council.

Meetings, Procedures and Website

The calendar year 2023 was the 21st full year of operation for the Accountability, Conduct and Ethics Commission of Allegheny County, PA (the "ACE Commission" or "Commission"). During the year, the ACE Commission held public Quarterly Meetings on March 16th, June 29th, September 21st and December 14th of 2023. The ACE Commission also met extensively in 2023 and conducted Preliminary Inquiries and, where needed, full investigations regarding the six complaints that were filed.

The Ethics Code, information about the ACE Commission and its Members, and a Complaint Form remain available on the county website at:

[https://www.alleghenycounty.us/Government/Departments-and-Offices/
Department-Directory/Commissions/ACE-Commission](https://www.alleghenycounty.us/Government/Departments-and-Offices/Department-Directory/Commissions/ACE-Commission)

To further publicize and educate the public regarding the Commission's existence and purpose, minutes of the Commission's meetings and the Commission's annual reports are posted on Allegheny County's website.

Commissioner Jesse Torisky, Esquire, served on the ACE Commission until May 2023 when he relocated outside of Allegheny County, PA. The Commission appreciates his service.

After seven years of service on the Commission, Chairman William F. Ward did not seek re-appointment to another term. His latest term of service expired on December 31, 2023. The Commission appreciates Chairman Ward's leadership.

In view of the conclusion of the terms of service by Commissioner Torisky and Chairman Ward, the ACE Commission will have two vacancies as of January 1, 2024. Starting on that date, Commissioner Kimberly A. Dunlevy will serve as Chairperson of the ACE Commission.

Theodore Trbovich, Esquire, continues to serve as the Legal Advisor to the ACE Commission. The Commission appreciates his service as well as the valued assistance of Allegheny County's Department of Human Resources.

Public Disclosure of Interest Statements

The Statement of Financial Interests ("the Statement") must be filed annually by "all elected and appointed county officers, county officials and all county employees and members of county agencies," as defined as "Covered Persons" in Section 101.03 of the Ethics Code. We rely upon department heads and employees themselves to determine whether their positions in county government require that they file their Statement of Financial Interests.

Summary Report of Complaints Received

Pursuant to Section 105.10 of the Ethics Code, the ACE Commission reports that it has received a total of 59 Complaints since its inception. The Commission received six complaints during 2023:

Complaint #54 was received on March 28, 2023. The ACE Commission promptly conducted a Preliminary Inquiry and a full investigation, which included the sworn testimony of the Complainant, the Respondent, and other witnesses. The Commission also reviewed and considered other documentary evidence and electronic records. The Commission issued a *Confidential Findings Report* to the Respondent, who timely responded to the Findings Report. On November 18, 2023, the ACE Commission issued its *Findings of Fact, Conclusions of Law, Recommendation, and Final Action* to the Allegheny County Council and the Allegheny Chief Executive, pursuant to Section 105.07 of the Ethics Code.

Complaint #55, in the form of undated, unsworn letters received on April 28, 2023, and on May 5, 2023, raised Constitutional claims and alleged violations policies and Procedural Guidelines of the Allegheny County

Jail. Following a Preliminary Inquiry, the matter was closed, and the ACE Commission referred the Complainants to the Allegheny County Jail Oversight Board.

Complaint #56 was received on June 26, 2023. The ACE Commission promptly conducted a Preliminary Inquiry and a full investigation, which included the sworn testimony of the Complainant, the Respondent, and another witness. The Commission also carefully reviewed and considered documentary evidence, photographs, videos, and electronic records. Thereafter, in view of the nature of the allegations and Section 105.07.A of the Ethics Code, the Commission referred the matter to the Allegheny County Police Department for their investigation and possible prosecution of the County employee.

Complaint #57 was received on October 5, 2023. Following a prompt Preliminary Inquiry, the ACE Commission terminated the case because the ACE Commission did not have jurisdiction regarding the claims alleged against the Respondent, a state court judge. Further, to the extent that the Complainant criticized her Court-appointed attorney, the Commission also did not have jurisdiction to impose any sanction upon an attorney, for which supervisory authority remains with the Disciplinary Board of the Supreme Court of Pennsylvania.

Complaint #58 was received on October 6, 2023, and a Preliminary Inquiry commenced on October 19, 2023. On December 20, 2023, following the Commission's unsuccessful efforts to elicit the sworn testimony of the Complainant, the inquiry was terminated, and the case was closed.

Complaint #59 was received on October 20, 2023, in the form of an anonymous, undated letter. In view of the unsworn complaint, the matter was closed shortly after receipt of the anonymous letter.

Confidentiality

The ACE Commission's procedures are transparently set forth in the Ethics Code. However, the Ethics Code requires that Confidentiality remain paramount to the work of the ACE Commission. The Code's provision regarding confidentiality limits the amount of information that can be revealed to the County Executive, the Allegheny County Council, or to the public.

In order to gain the trust and confidence of Complainants and Respondents, such confidentiality is necessary and, as noted above, is required by the Ethics Code. The Commission remains committed to observe and enforce the Confidentiality provisions of the Ethics Code that were enacted by Allegheny County Council.

Some Respondents have reported frustration to the Commission about the procedures set forth in the Ethics Code. For example, the Ethics Code requires that confidentiality be preserved when the ACE Commission provides notice to a Respondent regarding the filing of a sworn complaint against the Respondent, without any information about the content of the Complaint. The premature notice of only the filing of a complaint, which may later be closed following a Preliminary Inquiry, creates confusion and frustration for the Respondent who knows nothing about the Complainant's allegations. Accordingly, on December 29, 2021, and again on January 17, 2023, the ACE Commission requested that the Allegheny County Council amend the provisions of the Ethics Code that require notification to the Respondent *prior* to the Preliminary Inquiry. On March 17, 2023, the Solicitor for the Allegheny County Council informed the Commission that its request to amend the Ethics Code was declined.

If the Allegheny County Council hereafter decides to review and revise the Ethics Code, the ACE Commission would welcome the opportunity to provide input and comments regarding our procedures and certain areas of the Ethics Code that could or should be amended.

Commission Activities

The ACE Commission continues to abide by its responsibilities as set forth in the Ethics Code. The Members of the ACE Commission continue to serve on a volunteer basis and appreciate the opportunity to serve.

Respectfully,

/s/ William F. Ward

William F. Ward, Esquire
Chairman, ACE Commission

Tonya B. Johnson, Esquire
Mr. Daryl Reeves
Ms. Kimberly A. Dunlevy

cc: Allegheny County Council Members
Hon. Rich Fitzgerald, County Executive
Mr. Kenneth Varhola, County Council Chief of Staff