

**THE ACCOUNTABILITY CONDUCT AND ETHICS
COMMISSION**

119 COURTHOUSE • 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-5300 • FAX (412) 350-3581

TIMOTHY MOURY
CHAIRPERSON

DR. VALIRE COPELAND
TONYA B. JOHNSON, ESQ.
DR. RONALD H. STONE

Honorable John DeFazio, President
Allegheny County Council
Allegheny County Courthouse
Room 119, 436 Grant Street
Pittsburgh, PA 15219

ANNUAL REPORT – 2016

Dear President DeFazio:

Pursuant to Section 105.10 of The Accountability, Conduct and Ethics Code of Allegheny County (Ethics Code), this provides an annual report to County Council.

Meetings, Procedures and Website

The year 2016 was the fourteenth full year of operation for The Accountability, Conduct and Ethics Commission of Allegheny County (ACE Commission).

During the year, the Commission held 13 public meetings, with portions of those meetings being conducted in executive session to discuss Complaints received and approval of executive session meeting minutes. A hearing was also held for Case #030 Preliminary Findings Report on September 16, 2016 at the request of the respondent.

The Ethics Code, information about the ACE Commission, its members and a Complaint Form remain available on the County's website at <http://www.alleghenycounty.us/commissions/accountability/index.aspx>. 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 to the County's website.

County Council reappointed sitting Commission member, Tonya Johnson, on February 2, 2016 for a term to expire December 31, 2020.

On August 19, 2016 Commission member Mr. Daniel Garcia resigned due to a career move and was unable to commit to the time to serve on the ACE Commission.

Since the inception of the ACE Commission the Allegheny County Law department supplied legal support to the commission. The role of the County Law department was an advisory position only and was utilized in interrupting the ACE Code. In October 2015, the Law Department liaison to the ACE Commission resigned from the County Law department and ACE Commission. In discussions with the County Solicitor, it was mutually agreed to seek outside Council for the Commission to prevent any potential appearance of conflict with the ACE Commissions role in County Government. On July 21, 2016, the ACE Commission was notified by the County Solicitor that Theodore Trbovich Esq. would become the legal advisor to the ACE Commission. In the absence of legal counsel, the commission had to delay action on two cases that were before the Commission.

In July 2016, the ACE Commission met with County Controller Chelsa Wagner's staff to review the preliminary Sufficiency & Compliance report on the ACE Commission. The commission prepared a written response to the preliminary report and submitted to the County Controllers office. In August 2016, the County Controllers office issued their final report.

Public Disclosure of Interest Statements

The Public Disclosure of Interest Statement must be filed annually by all elected and appointed "county officers, county officials and public employees" as defined in Section 101.03 of the Ethics Code. We rely on Department heads and employees themselves to determine if their positions in County government require that they file the Statement.

Continuing a practice initiated in 2007, the ACE Commission randomly audited the Public Disclosure of Interest Statements. A random sample of 50 forms were selected and reviewed by ACE Commission members. The review revealed no concerns.

Complaints Received

The ACE Commission has received a total of 32 Complaints since its inception

Complaint #027, filed in October 2015, the ACE Commission issued a Preliminary Findings Report in April 2016. The Respondent requested a hearing based on the Preliminary Findings Report in May 2016. Also in May 2016, the Commission received a notarized letter from the Complainant that they were withdrawing the complaint. The Commission reviewed the letter with the Commission Solicitor at the August 2016 Commission meeting and notification was sent out to all involved that Case #027 was dismissed without prejudice.

Complaint #028, filed in January 2016. A preliminary inquiry was held and the case was dismissed

Complaint #029, filed in March 2016. A preliminary inquiry was held and the case was dismissed.

Complaint #030, filed in March 2016. A preliminary inquiry was held and a full investigation was undertaken. A Preliminary Findings report was issued July 2016. The respondent requested a hearing on the Preliminary Findings report and the hearing was conducted in August 2016. A final Findings Report in case #030 was issued in October 2016. A response from the County Council President on case #030 was received by the ACE commission in November 2016. The letter indicated that County Council was still considering the recommendation of the ACE Commission.

Complaint #031, filed in September 2016. A preliminary inquiry was held and commission determined that the complaint named a person that was not a “Covered Person” under the Commission. A letter closing the case was issued in November 2016.

Complaint #032, filed in September 2016. A preliminary inquiry was held and the case was dismissed.

The ACE Commission respectfully advises Council of its availability to receive complaints from Council Members of any alleged abuses of the County Ethics Code observed by Council Members.

Confidentiality

As has been pointed out in prior Annual Reports, Confidentiality remains important to the work of the ACE Commission, thus limiting the amount of information that can be revealed to County Council or to the public. In order to gain the trust and confidence of both Complainants and Respondents, some confidentiality of course is necessary and this is required by provisions of the Ethics Code. The Commission remains committed to the Confidentiality provisions enacted by County Council. It must be recognized, however, that this ultimately restricts the extent to which County Council, the County Executive and the public can be informed of the nature of the Complaints being filed.

Commission Activities

The members of the Commission continue to serve on a volunteer basis. As may be expected, no matter how diligent the members of the Commission are in their work, as a practical matter they are faced with time constraints. ACE Commission members performed the following tasks during the past year:

- Reviewed Public Disclosure of Interest Statements filed.
- Reviewed evidence submitted by Complainants.

- Interviewed witnesses.
- Prepared meeting agendas.
- Continued efforts to educate the public about the work of the Commission.
- Drafted and produced this Annual Report.

The Commission continues to have the good assistance of the Department of Human Resources and the newly appointed solicitor to the ACE Commission.

We continue to appreciate the opportunity to serve.

Respectfully yours,

A handwritten signature in cursive script that reads "Timothy Moury / Esq.".

Timothy Moury
Chair, ACE Commission

Dr. Valire Copeland
Tonya B. Johnson, Esq.
Dr. Ronald H. Stone

CC: Allegheny County Council Members
Jared Barker, Chief Clerk & Director of Legislative Services
Joseph Catanese, Director of Constituent Services & Government Relations
Rich Fitzgerald, County Executive