

ED GAINNEY
MAYOR



LEANNE DAVIS
EXECUTIVE DIRECTOR

CITY OF PITTSBURGH
ETHICS HEARING BOARD
CITY-COUNTY BUILDING

FORMAL ADVICE

February 4, 2025

To the Requester:

Phylicia Ralph, Co-Driver Environmental Services
Via electronic mail

RE: 25-A-003 Ethics Opinion on URA Housing Opportunity Fund Assistance

Dear Ms. Ralph:

Issue: You ask the City of Pittsburgh Ethics Hearing Board (“Board”) if the ethics rules permit you to receive downpayment and closing cost assistance from the Urban Redevelopment Authority (“URA”).

<p>Short Answer: Yes, you may receive URA financial assistance. Your position is not subject to conflict of interest restrictions. This URA program does not violate contracting restrictions.</p>

Statement of Facts: Advice is issued based on the facts submitted, with no independent investigation as to facts presented or potentially omitted. City of Pittsburgh Code of Ordinances (“Code”) § 197.13. It is the burden of each requesting party to truthfully disclose all material facts relevant to the inquiry.

The facts as given are: You are a City of Pittsburgh (“City”) employee. Your job is the position of Co-Driver with the Department of Public Works, Bureau of Environmental Services. You are not involved with City policy or budgeting. You do not make decisions in your job which influence a business, property, or the financial interests of any person. You are not a supervisor or make recommendations to hire, fire, or take other employment actions which would impact someone financially. Your job does not involve the URA or decisions affecting the URA.

The URA’s downpayment and closing cost assistance program is funded at least in part by a City contract. The URA administers this program, in compliance with the Code of Federal Regulations, which requires ethics approvals such as this letter. URA programs help residents of Pittsburgh with qualifying income to become first time homeowners or to rehabilitate their homes. These programs are open to all city residents.

Legal Analysis

Relevant Law: At issue are conflict of interest and contracting laws. 65 Pa.C.S. §§ 1103 and 1102; Code § 197.03(a); Home Rule Charter § 706; and Code § 161.17, full text is attached.

Conflict of Interest: Governmental ethics rules vary based on employee status. If a position is a “public employee” under state law, then they are subject to conflicts rules. Your position of Co-Driver does not fall within any of the five categories described in the definition of a public employee. [Co-Driver Environmental Services](#). Accordingly, it is my recommendation that your position is not considered a public employee under the Ethics Act, nor our Code, and accordingly is not subject to conflict of interest restrictions.

Contracting: Our ethics rules on contracting apply to all City staff and generally make it unlawful to enter into a contract with the City, or to receive any benefit from a City contract. The Board looked at how the contracting rules apply to your situation in an earlier case, [URA](#), Opinion 23-A-002, and found receiving funds through URA housing assistance programs is not an unlawful financial gain from a City contract because the program is available to all residents and is similar to other City services.

Reliance: This advice is based on the facts summarized in this opinion letter. Code §§ 197.13 and 197.16(a). Advice can be reconsidered. Please contact our staff if these facts are inaccurate or incomplete – or if the facts change in the future. Code § 197.13. Requests must be in writing, describe the error in fact or law, and be received within thirty days from the date of this letter.

The Ethics Hearing Board works with the City’s Home Rule Charter, Code of Conduct, and the State Ethics Act. Code § 197.01. The State Ethics Commission is the authority on the Ethics Act. If the State Ethics Commission provides a more restrictive view than this writing, the State’s position will govern. [65 Pa.C.S. §§ 1107, and 1109](#). In complement, the Board and its staff adopt or exceed State Ethics Commission interpretations of the Act. [65 Pa.C.S. § 1111](#). Legal issues are multi-faceted, and you may have rights or obligations beyond the ethics laws within the EHB’s jurisdiction. Furthermore, HUD/CDBG-funded programs or employment may require additional levels of approval for compliance.

Conclusion: You are permitted to receive URA financial assistance, per the Board’s ruling in [URA](#), Opinion 23-A-002. Your conduct is permitted under the conflict and contracting rules.

Thank you for contacting me for this ethics opinion. Please contact me with any questions.

Sincerely,

Leanne Davis

Leanne Davis, Ethics Officer

cc: Maryann Herman, Board Chair; URA Legal Counsel (*via electronic mail*)

Relevant Governmental Ethics Provisions:

State Ethics Act § 1103 (a) Conflict of interest.--No public official or public employee shall engage in conduct that constitutes a conflict of interest.

State Ethics Act § 1102 (a) "Conflict" or "conflict of interest." Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated.

Code § 197.03 (a) - CONFLICT OF INTEREST. No public official or public employee shall exert influence with respect to property or a business with which he or a member of his or her direct family is associated.

State Ethics Act § 1102 (a) "Public employee." (also at Code § 197.02)

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:

- (1) contracting or procurement;
- (2) administering or monitoring grants or subsidies;
- (3) planning or zoning;
- (4) inspecting, licensing, regulating or auditing any person; or
- (5) 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 shall not include individuals who are employed by this Commonwealth or any political subdivision thereof in teaching as distinguished from administrative duties.

Home Rule Charter § 706: No elected official, officer or employee shall in any manner receive benefit from the profits or emoluments of any contract, job work or service for the City, or accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City. No elected official, officer, or employee shall solicit or receive any compensation, gratuity or other thing for any act done in the course of public work. This section shall be broadly construed and strictly enforced. Any violation of this section shall cause the offending official, officer, or employee to forfeit office or employment.

Code § 161.17 CONTRACT INTEREST OF City OFFICIALS, OFFICERS AND EMPLOYEES.. No contract shall be made with any City elected or appointed official, officer or employee, or with any corporation, partnership or other nongovernmental entity of which he or she is a member. If any official, officer or employee should, during his or her term of office or employment, knowingly acquire a proprietary or pecuniary interest in any contract, he or she shall forfeit his or her office or employment.