

GUIDE TO THE PENNSYLVANIA PUBLIC OFFICIAL AND EMPLOYEE ETHICS ACT



STATE ETHICS COMMISSION

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INTRODUCTION

Pennsylvania's first Public Official and Employee Ethics Act (the "Ethics Act"), was Act 170 of 1978, 65 P.S. Section 401 *et seq.*, which primarily became effective January 1, 1979. That Act was reenacted and amended effective June 26, 1989, by Act 9 of 1989. Then, on October 15, 1998, the current Ethics Act, Act 93 of 1998, Chapter 11, 65 Pa.C.S. § 1101 *et seq.*, was signed into law. It replaced the prior Ethics Acts and became effective December 14, 1998. Act 93 of 1998 was amended effective January 1, 2007 by Act 134 of 2006. The Ethics Act provides that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. The Ethics Act was passed to strengthen the faith and confidence of the people of Pennsylvania in their government. The Pennsylvania State Ethics Commission administers and enforces the provisions of the Ethics Act and provides guidance regarding its requirements.

COMMISSION COMPOSITION

The Ethics Act provides that the State Ethics Commission shall be comprised of seven members who are cognizant of the responsibilities and burdens of public service. Three Commission members are appointed by the Governor, only two of whom may be of the same political party. One member is appointed by each of the following: the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House. All members are appointed without confirmation. Commission members are eligible to serve two full three-year terms.

COMMISSION MEMBER AND EMPLOYEE RESTRICTIONS

Commission members and employees may not hold or campaign for any other public office, hold office in any political party or political committee, actively participate in or contribute to any political campaign, attempt to influence any decision by a governmental body except a court or as a representative of the Commission, or be employed by the Commonwealth or a political subdivision in any other capacity. Additionally, Commission members may not have served as an officer in a political party for one year prior to appointment.

COMMISSION POWERS AND DUTIES

- Render advisory opinions to any person, or his appointing authority or employer, regarding such individual's duties and responsibilities under the Ethics Act.
- Accept and review Statements of Financial Interests of persons required to file, and inspect such statements to ascertain whether any reporting person has failed to file such statement or has filed a deficient statement.
- Prescribe forms for filing.
- Accept and file information voluntarily supplied that exceeds the requirements of the Ethics Act.
- Preserve statements and reports filed with the Commission for a period of five years.
- Make statements available for public inspection and copying.
- Maintain a master index of statements filed with the Commission.
- Instruct other state and local agencies in the maintenance of systems which facilitate public access to such statements.
- Investigate alleged violations of the Ethics Act and issue decisions in relation to said investigations.
- Prepare and publish an annual report, as well as special reports, educational materials, and technical studies to further the purposes of the Ethics Act.
- Hold hearings, take testimony, issue subpoenas and compel the attendance of witnesses.
- Prescribe rules and regulations to implement the provisions of the Ethics Act. (See 51 Pa. Code §11.1 *et seq.*)
- Hold at least two public hearings each year to seek input from persons and organizations which represent individuals subject to the Ethics Act and from other interested parties.

PUBLIC OFFICIALS/PUBLIC EMPLOYEES

The Ethics Act applies to public officials and public employees. Candidates and nominees for public office or

employment are also subject to certain provisions in the Ethics Act. The Ethics Act defines each of the affected categories:

- A. “Public Official.” 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, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or any political subdivision thereof.
- B. “Public employee.” 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.

- C. “Candidate.” Any individual who seeks nomination or election to public office by vote of the electorate, other than a judge of elections, inspector of elections or official of a political party, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he has:
 - (1) received a contribution or made an expenditure or given his consent for any other person or committee to receive a contribution or make an expenditure for the purpose of influencing his nomination or election to such office, whether or not the individual has announced the specific office for which he will seek nomination or elec-

tion at the time the contribution is received or the expenditure is made; or

- (2) taken the action necessary under the laws of this Commonwealth to qualify himself for nomination or election to such office.

The term shall include individuals nominated or elected as write-in candidates unless they resign such nomination or elected office within 30 days of having been nominated or elected.

- D. "Nominee." Any person whose name has been submitted to a public official or governmental body vested with the power to finally confirm or reject proposed appointments to public office or employment.

Refer to the Pennsylvania Code, Title 51 for more information.

FILING A STATEMENT OF FINANCIAL INTERESTS

1. **Who must file:** The Public Official and Employee Ethics Act requires public officials, public employees, candidates, and nominees (*see*, definitions, above) to file Statements of Financial Interests.

Persons who serve as full or part-time solicitors are required to file Statements of Financial Interests.

2. **Where to File:** Employees of the Commonwealth file **ONLY** with their respective agency, department or bureau personnel office.

Employees of county and local political subdivisions file **ONLY** with the governing authority of their political subdivision.

Incumbent county and local public officials (who are **NOT** candidates) including authority members file **ONLY** with the governing authority of their political subdivision.

Incumbent Commonwealth **Executive Branch public officials and appointed members of boards and commissions (Executive Branch)** file with the State Ethics Commission, and with each Department, Agency, Board or Commission to which they are appointed or elected.

Incumbent Commonwealth **Legislative Branch pub-**

lic officials file with the State Ethics Commission and with the Chief Clerk of the House of Representatives or the Secretary of the Senate, whichever applies.

Incumbent Commonwealth public officials of **independent state agencies** file with the State Ethics Commission AND with the agency with which they are associated.

Other state-level public officials file with the State Ethics Commission and their agency; other state-level public employees file only with their agency.

Gubernatorial and state-level nominees file with the State Ethics Commission and with the Senate Caucus Secretary in charge of Executive Nominations.

A candidate for the office of Magisterial District Judge files with the county in the district in which he is a candidate.

County and local-level nominees file with the governing authority of the political subdivision and, if different, with the official or body vested with the power of confirmation.

Candidates for a state-level public office file with the State Ethics Commission and append a copy to the petition to appear on the ballot.

Candidates for county or local-level public office file with the governing authority of the political subdivision in which they are a candidate AND append a copy to the petition to appear on the ballot.

Write-in candidates (including winners) not seeking office through the nomination petition process shall file **ONLY** with the State Ethics Commission for state-level office and **ONLY** with the governing authority of the political subdivision for county or local-level office.

3. **When to File:** Public employees and public officials, who are not candidates — **by NO later than May 1** of each year a position is held and of the **year after leaving** a position.

Officials appointed after May 1 file by the following May 1, unless they have been appointed through a nomination/confirmation process in which case they must file no later than 10 days before confirmation.

Gubernatorial nominees file NO LATER THAN 10 days before confirmation.

Candidates file on or before the last day for filing a petition to appear on the ballot for election.

Write-in winners of nominations or elections shall file within 30 days of having been nominated or elected unless such person declines such nomination or elected office within that period of time. The 30-day period commences on the date the appropriate board of elections certifies the individual as the winner of the nomination/election.

NOTE: Only one (1) Statement of Financial Interests is required for each year. If multiple positions are held, all such positions may be listed on the same form. A copy of the form must be filed at **all** of the filing locations that are required for each of the positions sought/held.

4. **What to File:** Filers are required to disclose financial information concerning the prior calendar year. No dollar amounts are required for any of these items except for gifts and certain reportable expense payments/reimbursements.

The information to be disclosed pertains only to the filer and includes:

- The name, address (work or residence), and the public position(s) sought/held by the person filing.
- The occupation or profession of the filer.
- Real estate interests in which the Commonwealth or a political subdivision is involved.
- **Creditors:** the name and address of the creditor and the *interest rate* for each debt in excess of \$6,500. Mortgages secured by the principal or secondary residence of the filer and loans extended between members of the immediate family need not be listed.
- **Sources of income:** the name and address of each *direct or indirect source of income* totaling \$1,300 or more. Include the governmental body(ies) served, employers, and all other sources of income (gross income) meeting the applicable disclosure threshold. Include any payment, fee, salary, expense, allowance, forbearance, forgive-

ness, interest, dividend, royalty, rent, capital gain, reward, severance payment, prize winnings, and tax exempt income. DO NOT INCLUDE: gifts; governmentally mandated payments/benefits; or retirement, pension or annuity payments funded totally by contributions of the official/employee.

- **Gifts:** The name and address of each source of gift(s) of \$250 or more in the aggregate and the value and circumstances (including a description) of each such gift. Gifts from family members and certain friends are exempt. (A gift is defined as anything that is received without consideration of equal or greater value, excluding (1) political contribution(s) otherwise reportable as required by law; (2) commercially reasonable loan(s) made in the ordinary course of business; or (3) hospitality, transportation or lodging.)
- **Transportation, Lodging or Hospitality Expenses:** The name and address of the source and the amount of each payment/reimbursement by the source for actual transportation, lodging or hospitality expenses received in connection with the public position where such payments/reimbursements exceed \$650 in an aggregate amount for the reporting year. The filer is not required to report payments/reimbursements made by a governmental body or an organization/association of political subdivisions in which the filer serves in an official capacity. (The term “hospitality” is defined to include meals, beverages, and recreation or entertainment. It does not include gifts, transportation, or lodging.)
- Any office, directorship or employment of any nature whatsoever in any business entity, regardless of compensation.
- Any financial interest in any legal entity engaged in business for profit. The term “financial interest,” is defined as “[a]ny financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.” 65 Pa.C.S. § 1102.

- The name and address and financial interest (see, definition above) held in a business which has been transferred to a member of the filer's immediate family (parent, spouse, child, brother, sister) during the prior calendar year.

5. **Where to Obtain Forms:** The State Ethics Commission, 309 Finance Building, P.O. Box 11470, Harrisburg, PA 17108-1470; the County Boards of Elections; local political subdivisions; on-line at www.ethics.state.pa.us; and other locations announced at the time of distribution of the forms.

6. **Penalty for the Failure to File:** Any person who fails to file a Statement of Financial Interests as required by the Ethics Act may be found guilty of a misdemeanor and may be fined not more than \$1,000.00 or imprisoned for not more than one year or be both fined and imprisoned.

Failure by a candidate to file in accordance with the Ethics Act shall, in addition to other penalties, be a fatal defect to a petition to appear on the ballot.

No public official shall be allowed to take the oath of office, enter or continue upon his duties, or be compensated from public funds unless he has complied with the requirements of the Ethics Act for filing Statements of Financial Interests.

Any public official or employee who is required to file a statement and does not do so or who files a deficient statement may be penalized up to \$25 per day for each day said statement is delinquent or deficient, for a maximum of \$250.

7. **Public Inspection of Statements of Financial Interests:** Statements of Financial Interests on file with the State Ethics Commission will be available for public inspection and copying between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday (excluding Legal Holidays). There is a charge of 25¢ per page for copies.

All statements must be made available for public inspection and copying at an amount not to exceed actual cost.

REQUESTING AN ADVICE/OPINION

The State Ethics Commission is authorized to issue advisory opinions regarding the duties and responsibilities of persons who are subject to the Ethics Act. Advisory opinions are issued only as to prospective conduct.

1. **Who May Request an Advice/Opinion:** Any person subject to the Act may request an advice/opinion about his own obligations. An advice/opinion may also be requested by the authorized representative of such person or by the appointing authority or employer of such person.
2. **How Does One Request an Advice/Opinion:** Write to the State Ethics Commission and provide the following information.
 - (a) Name, address, and phone number of the person who is the subject of the request and if different, the name, address and phone number of the person initiating the request.
 - (b) The name of the governmental body with which the subject serves and the name or title of such person's public office or position.
 - (c) If the requestor is the appointing authority, employer, or representative of the subject of the request, delineate the nature of such relationship.
 - (d) The nature and duties of the subject's office or job. Include an organization chart, bylaws of the organization, if available, and a job description.
 - (e) The relevant material facts and circumstances surrounding the request.
3. **How Is the Request Processed:**
 - (a) The Commission will notify the requestor within 14 days as to whether an advice or opinion will be issued. An advice is issued by the Commission's Chief Counsel where Commission precedent, court cases, the Act or regulations provide a basis upon which to render such advice. An advice can usually be issued to a person within 21 working days of receipt of the request. In some cases, however, the time for issuance may be extended. An advice may be appealed to the full Commission.

- (b) In cases where there is no precedent, an opinion will be issued by the Commission members. The requestor will be advised of the date, time, and place of the Commission meeting. The requestor may attend this meeting and make a presentation.
- 4. **Will the Advice or Opinion Be Public:** The final advice or opinion will be available to the public. The person requesting the advice or opinion may, however, require that the ruling contain such deletions and changes as shall be necessary to protect the identity of the person(s) involved.
- 5. **What Is the Effect of an Opinion or Advice:**
 - (a) If you have requested an opinion and have acted in good faith on the opinion that was issued to you, you may not be subjected to criminal or civil penalties, provided you have truthfully disclosed all material facts.
 - (b) An advice of the Commission is a complete defense in any enforcement proceeding initiated by the Commission and is evidence of good faith conduct in any other civil or criminal proceeding if the advice was requested at least 21 working days prior to taking the action described in the request and the requestor truthfully disclosed all the material facts.

RESTRICTED ACTIVITIES

Section 1103 of the Public Official and Employee Ethics Act sets forth certain restricted activities in which public officials and employees may not engage. These restrictions provide the basis upon which many Commission rulings are issued.

Restricted Activities:

- (a) **Conflict of Interest** — No public official or public employee shall engage in conduct that constitutes a conflict of interest. A conflict of interest is defined as 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. “Conflict” or “conflict of interest” 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 or his immediate family or a business with which he or a member of his immediate family is associated.

- (b) **Seeking Improper Influence** — No person shall offer or give to a public official, public employee or nominee or candidate for public office or a member of his immediate family or a business with which he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror’s or donor’s understanding that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.
- (c) **Accepting Improper Influence** — No public official, public employee or nominee or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of that public official, public employee or nominee that the vote, official action, or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.
- (d) **Honorarium** — No public official or public employee shall accept an honorarium.
- (e) **Contingent and Severance Payments** —
 - (1) No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment.
 - (2) This subsection shall not prohibit:
 - (i) Payments received pursuant to an employment agreement in existence

prior to the time a person becomes a candidate or is notified by a member of a transition team, a search committee or a person with appointive power that he is under consideration for public office or makes application for public employment.

(ii) Receipt of a salary, fees, severance payment or proceeds resulting from the sale of a person's interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon the assumption or acceptance of public office or employment.

(3) Payments made or received pursuant to paragraph (2)(i) and (ii) shall not be based on the agreement, written or otherwise, that the vote or official action of the prospective public official or employee would be influenced thereby.

(f) **Contract** — No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of Section 1103(f) of the Ethics Act shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

- (g) **Former Official or Employee** — No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.
- (h) **Misuse of Statement of Financial Interests** — No person shall use for any commercial purpose information copied from Statements of Financial Interests required by the Ethics Act or from lists compiled from such statements.
- (i) **Former Executive-Level Employee** — No former executive-level Commonwealth employee may for a period of two years from the time that he terminates employment with this Commonwealth be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participated in recruiting to this Commonwealth or that he actively participated in inducing to open a new plant, facility or branch in this Commonwealth or that he actively participated in inducing to expand an existent plant or facility within this Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.
- (j) **Voting Conflict** — Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing

body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided above.

FILING A COMPLAINT

1. **Who May File a Complaint:** Any individual may file a complaint concerning alleged violations of the Ethics Act.
2. **How Do I File a Complaint:** Complaint forms are available upon request from the Commission. The complaint should state the name, position or office held by the alleged violator, and a description of the facts that are alleged to constitute a violation. Complaints must be signed and sworn.
3. **What Constitutes a Violation of the Ethics Act:** A violation of the Ethics Act may be found where a person has failed to fulfill duties and responsibilities under the Ethics Act or has engaged in activities that are restricted/prohibited by the Ethics Act.
4. **What Can I Expect After a Complaint Is Filed:**
 - (a) The Commission will initially acknowledge receipt of a complaint.
 - (b) If the matter is not within the Commission's jurisdiction or if the complaint lacks sufficient information, it will not be processed and the complainant will be so notified.
 - (c) The Commission may initiate a preliminary inquiry or full investigation. A preliminary inquiry must be completed within 60 days and either be terminated or opened as a full investigation.

- (d) If after a preliminary inquiry the matter is terminated, both the complainant and subject of the inquiry will be notified. If the Commission determines that a complaint is frivolous, the Commission shall so state.
 - (e) No investigation may be commenced until the subject of the investigation has been notified and provided a general statement of the alleged violation(s).
 - (f) The complainant will be notified within 72 hours of the commencement of a full investigation. Both the complainant and subject of the investigation will be notified of the status of the investigation every 90 days until it is complete.
 - (g) If a full investigation has been conducted, upon the conclusion of the field investigation the subject of the complaint will be issued a Findings Report/Investigative Complaint containing the relevant findings of the Investigative Division. Such report must be issued within 360 days of the initiation of the full investigation. Any Answer to the Findings Report/Investigative Complaint must be filed so that it is **received** by the Commission within 30 days after the issuance of the Findings Report/Investigative Complaint.
 - (h) Upon issuance of the Findings Report/Investigative Complaint, the subject will be afforded a full and fair opportunity to challenge the findings and allegations. Such may include evidentiary hearings and arguments of law.
 - (i) Upon the conclusion of the proceedings, the Commission will issue a final order containing findings of fact and conclusions of law. Final orders issued by the Commission may be appealed to the Commonwealth Court of Pennsylvania.
5. **Will the Complaint Be Confidential:** All Commission proceedings and records relating to an investigation are confidential until a final determination is made by the Commission. The final order is a public record. All other file material remains confidential. The identity of a complainant, however, may be released by the Commission if it is determined that there has been a wrongful use of the Act (*see, infra*).

6. **Are There Any Circumstances Under Which a Person May Disclose or Acknowledge the Existence of an Investigation:** A person may disclose or acknowledge to another person matters that are otherwise confidential when the matters pertain to:
- Final orders of the Commission;
 - Commission public hearings;
 - Seeking advice of legal counsel;
 - Appealing a Commission order;
 - Communicating with the Commission or its staff, in the course of a preliminary inquiry, investigation, hearing or petition for reconsideration by the Commission;
 - Consulting with a law enforcement official or agency for the purpose of initiating, participating in or responding to an investigation or prosecution by the law enforcement official or agency;
 - Testifying under oath before a governmental body or a similar body of the United States of America;
 - Information, records or proceedings relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration that the person is the subject of;
 - The publication or broadcast of information legally obtained by the news media regarding a confidential Commission proceeding; or
 - The divulgence by individuals who are interviewees or witnesses as to confidential Commission proceedings regarding information that was already in their possession or the disclosure of their own statements; or such other exceptions as the Commission, by regulation, may direct.
7. **Are There Any Protections for a Complainant or Witness:** No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation, or deny him a promotion or threaten to do so, for filing a complaint with or providing information to the Commission or testifying in any Commission proceeding.
- Any person who engages in such retaliatory activity

commits a misdemeanor and, in addition to any other penalty provided by law, shall upon conviction be fined not more than \$1,000 or imprisoned for not more than one year, or be both fined and imprisoned.

8. **What Is a Wrongful Use of Act:** A complainant may be found to have wrongfully used the Act if:

The complaint was frivolous (filed in a grossly negligent manner without basis in law or fact) or without probable cause and made primarily for a purpose other than that of reporting a violation of the Ethics Act.

A person who signs a complaint alleging a violation of the Ethics Act has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based and either:

- (1) Reasonably believes that under those facts the complaint may be valid under the Ethics Act, or
- (2) Believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his knowledge and information.

9. **Does a Wrongfully Accused Public Official Have Any Recourse:** If a public official or public employee has reason to believe a complaint was frivolous, or was without probable cause and made primarily for a purpose other than reporting a violation of the Ethics Act, or was publicly disclosed (a wrongful use of act), such public official/public employee may request that the Commission investigate said matter.

If the Commission determines that there has been a wrongful use of act, the identity of the complainant may be provided to the subject upon request.

If it has been determined that there has been a wrongful use of the act, the subject may bring an action to recover for the following:

- (1) The harm to his reputation by a defamatory matter alleged as the basis of the proceeding.
- (2) The expenses, including any reasonable attorney

fees, that he has reasonably incurred in proceedings before the Commission.

- (3) Any specific pecuniary loss that has resulted from the proceedings.
- (4) Any emotional distress that has been caused by the proceedings.
- (5) Any punitive damages according to law in appropriate cases.

As noted below, the Ethics Act also provides criminal penalties for violation of the confidentiality of a Commission proceeding.

10. **What Are the Penalties for Violating the Act:** Violations of Sections 1103(a), (b) and (c) are felonies and can result in a fine of not more than \$10,000 and/or imprisonment for not more than five years. Violations of sections 1103(d) through (j), 1104, and 1105(a) are misdemeanors and can result in a fine of not more than \$1,000 and/or imprisonment for not more than one year.

Any person who obtains financial gain from violating any provision of the Ethics Act can, in addition to any other penalty provided by law, be ordered to pay three times the financial gain into the State Treasury or the treasury of the political subdivision.

Any person who obtains a financial gain in violation of the Ethics Act may, in addition to the above penalties, be required to pay restitution plus interest to the appropriate governmental body.

Any person who violates the confidentiality of a Commission proceeding pursuant to Section 1108 commits a misdemeanor and may upon conviction be fined not more than \$1,000 and/or imprisoned for not more than one year.

Any person who willfully affirms or swears falsely in regard to any material matter before a Commission proceeding pursuant to Section 1108 commits a felony and may upon conviction be fined not more than \$5,000 and/or imprisoned for not more than five years.

In addition to any other civil remedy or criminal penalty provided for in the Act, failure to timely file a Statement of Financial Interests or filing of a deficient

statement may result in a penalty of up to \$25 per day, for a maximum of \$250.

NOTE: A public official of a political subdivision who acts in good faith reliance on a written, non-confidential opinion of the political subdivision's solicitor, or upon such solicitor's opinion publicly stated at an open meeting of the political subdivision and recorded in the official meeting minutes, shall not be subject to certain of the criminal penalties or the treble damage penalties of the Act.

REGULATIONS: The Regulations of the State Ethics Commission set forth the procedures applicable to all proceedings before the Commission as well as for the administration of the Statement of Financial Interests filing requirements. See 51 Pa. Code § 11.1 *et seq.*

MISCELLANEOUS INFORMATION

Additional information is available from the State Ethics Commission including:

Annual Report

Commission Decisions

Quarterly Newsletter

ETHICS ON THE INTERNET

An on-line "e-Library" of all Commission Rulings is included in the Commission's website found at www.ethics.state.pa.us. This system provides state-of-the-art research and retrieval of thousands of Commission documents dating back to the Commission's inception in 1979. This initiative involved the scanning and indexing of thousands of documents which were subsequently posted to the Commission's website. Commission rulings will be added to the on-line library as they are issued. Interested parties can log onto the Commission's website, click on a convenient link which takes them to the e-Library, and type in a name, topic, or date, etc., and the software does the retrieval work in just seconds. Once the keyword is located, the user can easily scan through all of the documents to find the exact information sought, as search words are highlighted to show their exact location within a given document. The user can then save the image to a file for future reference, print it out in hard-copy form, copy it to

a CD, or even send it to another party via e-mail. Users will also find within the *e-Library* a helpful Search Guide and instructions for performing more advanced or complex searches.

Copies of the Commission's Annual Report and Quarterly Newsletters are also found on the website.