



CITY OF READING, PENNSYLVANIA

BOARD OF ETHICS
P.O. Box 1371
READING, PA 19603-1371

CITY OF READING

BOARD OF ETHICS

ADVISORY OPINION

2000-2

REV. WAYNE MATTHIAS-LONG, CHAIR
MARY JANE ANDRONE, MEMBER
DANIEL GALLAGHER, MEMBER
REV. J. TIMOTHY FISHER, MEMBER
ERIC JENKINS, MEMBER

A. FACTS

Pursuant to Section 10 of the City of Reading Code of Ethics, the Board of Ethics is authorized, upon the written request of any public official or City employee, to render advisory opinions concerning matters of governmental ethics and to consider questions as to ethical conduct, conflicts of interest and the application of the ethical standards set forth in the Code of Ethics.

The Board of Ethics has received a written request from Councilman Casey Ganster to issue an advisory opinion concerning certain employment by Mr. Ganster. According to Mr. Ganster's request, he is employed in a part time capacity with the Reading Phillies. Furthermore, Mr. Ganster is also employed from time to time by local taverns. Mr. Ganster has requested an opinion as to whether or not his employment by the Reading Phillies or taverns constitutes a conflict of interest which would prohibit him, in any way, from acting in an official capacity as a Councilman for the City of Reading.



B. APPLICABLE CHARTER AND CODE PROVISIONS

It is the opinion of the Board of Ethics that Mr. Ganster's request is governed by Section 209(g) and 1201(a) of the Charter for the City of Reading. Section 209(g) provides, in pertinent part, "Any Council Member who has a financial interest, direct or indirect... in any contract with the City, shall immediately make publicly known their interest and shall refrain from voting upon, or otherwise participating... making of such contract. A statement of such interest shall be filed with the City Clerk". Section 209(g) further provides that "Any Council Member who willfully conceals such interests shall be guilty of malfeasance in office". Section 209(g) also provides that "Violation of this section with knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City". Section 1201(a) provides that "no elected official, officer, or employee shall (i) act in an official capacity on matters in which the employee or official has a private financial interest clearly separate from that of the general public...".

C. OPINION

It is the opinion of the Board of Ethics that, because of the aforesaid provisions of Section 209(g) and 1201(a) of the Charter

for the City of Reading that Councilman Ganster should not participate in any vote, or discussion leading up to that vote, concerning the contractual relationship between the City of Reading and the Reading Phillies. It is the understanding of the Board of Ethics that the Reading Phillies lease the stadium from the City of Reading and therefore Councilman Ganster, by virtue of his employment with the Reading Phillies, even though the actual remuneration from said employment may be minimal, would have a private financial interest as an employee of the lessee which is clearly separate from the interests of the general public. The Board of Ethics bases this conclusion, in part, on the fact that the Charter for the City of Reading does not have any de minimis monetary threshold by which a private financial interest, direct or indirect, can be measured. Again, while Councilman Ganster's employment with the Reading Phillies may not, in terms of total dollars, produce a large sum, the fact that he receives remuneration from the Reading Phillies in his capacity as a private individual could lead someone to believe that he would be influenced in any vote or discussion before City Council concerning the lease because of such financial interest. The Board of Ethics does wish to confirm that there has been no actual allegation of impropriety raised regarding Councilman Ganster and the Board is rendering this opinion based on Councilman Ganster's own request. The Board of Ethics is appreciative of the fact that Councilman

Ganster had the foresight to request this advisory opinion since such a request furthers the purposes and goals of the Charter.

The above rationale also would apply with respect to Councilman Ganster's employment by any bar, tavern or other such establishment. Councilman Ganster should not participate in any discussion or vote concerning any such establishments by which he is employed. Furthermore, Councilman Ganster should be mindful that he should not participate in any discussion or vote which, while being perhaps of a more general nature, would have the effect of benefitting any establishment by which he is employed.

Finally, none of the above is meant to foreclose Councilman Ganster from discussing or voting on matters which concern only the stadium, formerly known as Municipal Stadium, now known as GPU Stadium. Any discussion or votes relative to the stadium itself, which would not be directly linked to the Reading Phillies, would not be prohibited, although Councilman Ganster is reminded to be thoughtful about whether or not participating in any discussion or vote would somehow, directly or indirectly, benefit the Reading Phillies, and thus implicate the same concerns discussed earlier in this Advisory Opinion.

CITY OF READING, BOARD OF ETHICS

By: Wayne Matthias-Long
Wayne Matthias-Long, Chairman

Dated: June 7, 2000