



CITY OF READING, PENNSYLVANIA

BOARD OF ETHICS
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READING, PA 19603-1371

EDMOND J. DOHERTY, CHAIR
REV. TONY PEREZ, VICE CHAIR
ELIZABETH M. HAWTHORNE, MEMBER
DELIA F. MCLENDON, MEMBER

ADVISORY OPINION

97-1

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 the City of Reading Police Civil Service Board, through its solicitor, to issue an advisory opinion concerning Police Consultants, Inc. and Inspector Charles Broad.

The Police Civil Service Board wishes to contractually engage Police Consultants, Inc. to administer, for the Police Civil Service Board, the appropriate civil service examinations to those applicants wishing to become members of the City of Reading police force. Inspector Charles Broad, who is employed as a police officer by the City of Reading, has in the past and is currently employed, either as an employee or consultant, by Police Consultants, Inc. Inspector Broad, on behalf of Police Consultants, Inc., has, for other municipalities, administered police civil service examinations. Notwithstanding Inspector Broad's relationship with Police Consultants, Inc., the City of Reading Police Civil Service Board feels that Police Consultants, Inc. is the best



qualified firm to administer the civil service examinations on behalf of the City of Reading Police Civil Service Board.

B. APPLICABLE CHARTER AND CODE PROVISIONS

The Board is of the opinion that the following provisions of the City Charter and Code of Ethics are applicable.

From the City Charter:

Section 1201. Conflict of Interest and Code of Ethics.

(a) Conflicts of Interest. The use of public office for private gain is prohibited. 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; (II) accept gifts and other things of value in return for a favorable decision or vote. In all cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift; (III) act in a private capacity on matters dealt with as a public official or employee; (IV) use confidential information for personal gain; and (V) appear before City departments, offices, and agencies on behalf of private interests.

From the Code of Ethics:

Section 5. Conflict of Interest

Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

Should an official or employee find him/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

Section 8. Prohibited behaviors

A. Conflicts of Interest

1. Employees and officials of the City may not bid on or have a material interest in:

a. The furnishing of any materials, supplies or services to be used in the work of the City.

b. Contracts for the construction of any City facility.

c. Sale of any property to the City or the purchase of any property from the City unless said property is offered to the general public at auction or by competitive bid.

2. Outside Employment. City employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

C. DECISION

The Police Civil Service Board is to be commended for requesting this Advisory Opinion from the Board of Ethics. Requests of this type to the Board promote honest and open government, benefit the citizens of the City, and further the aims and goals of the City Charter and Code of Ethics.

It is the opinion of the Board of Ethics that the Police Civil Service Board will not violate the Charter and Code of Ethics by entering into a contract with Police Consultants, Inc. for Police Consultants, Inc. to administer civil service tests on behalf of the Police Civil Service Board to those wishing to become police officers for the City of Reading, conditioned as follows:

1. Inspector Charles Board will receive no compensation of any type, directly or indirectly, from Police Consultants, Inc. or the Police Civil Service Board on account of or based upon Police Consultants, Inc. entering into a contract with the Police Civil Service Board and Police Consultants, Inc. being paid for said services.

2. Inspector Charles Broad will not participate, directly or indirectly, on behalf of Police Consultants, Inc. or the Police Civil Service Board in the administering of any civil service exams or in the grading, scoring or evaluation of any civil service exam to those wishing to become police officers for the City of Reading.

Dated: _____

CITY OF READING BOARD OF ETHICS

By: _____

Edmond J. Doherty, Chair

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