

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 7, 2010
12:00 p.m.

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO, JR.
COUNCILWOMAN MARIAN B. TASCO

RESOLUTION 100799 - Resolution confirming the
appointment of William H. Brown III as a
member of the Board of Ethics...

RESOLUTION 100800 - Resolution confirming the
appointment of Sanjuanita Gonzalez as a member
of the Board of Ethics...

RESOLUTION 100801 - Resolution confirming the
appointment of Sister Mary Scullion as a
member of the Board of Ethics...

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1
2 COUNCIL PRESIDENT Verna: Good
3 morning, everyone. This is a public
4 hearing of the Committee of the Whole
5 regarding Resolution Nos. 100799, 100800
6 and 100801.

7 Mr. McPherson, please read the
8 resolutions.

9 MR. MCPHERSON: Resolution
10 100799, confirming the appointment of
11 William H. Brown III as a member of the
12 Board of Ethics, to serve in the term
13 ending November 16, 2014.

14 Resolution 100800, confirming
15 the appointment of Sanjuanita Gonzalez as
16 a member of the Board of Ethics, to serve
17 in the term ending November 16, 2013.

18 Resolution 100801, confirming
19 the appointment of Sister Mary Scullion
20 as a member of the Board of Ethics, to
21 serve in the term ending November 16,
22 2015.

23 COUNCIL PRESIDENT Verna: Thank
24 you. That's Sister Mary Scullion.

25 Is Mr. Brown here?

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2 MR. BROWN: Yes.

3 COUNCIL PRESIDENT Verna:

4 Please approach the witness table, sir.

5 (Witness approached witness
6 table.)

7 COUNCIL PRESIDENT Verna: Good
8 morning. Welcome.

9 MR. BROWN: Good morning.

10 COUNCIL PRESIDENT Verna: Do
11 you have a statement you would like to
12 provide?

13 MR. BROWN: Yes, I do.

14 COUNCIL PRESIDENT Verna:
15 Please identify yourself for the record
16 and proceed.

17 MR. BROWN: I am William H.
18 Brown, III, and I'm Senior Counsel to the
19 law firm of Schnader Harrison Segal and
20 Lewis.

21 Good morning, Council President
22 Verna, members of City Council. As I
23 have indicated, I am William H. Brown,
24 III, currently Senior Counsel to the law
25 firm of Schnader Harrison Segal and

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2 Lewis. I am indeed honored to be a
3 nominee for the Philadelphia Board of
4 Ethics, and welcome the opportunity to
5 testify before City Council in connection
6 with my qualifications to serve in this
7 position.

8 I will now provide City Council
9 with information about my background and
10 my motivation for wanting to serve on the
11 Philadelphia Board of Ethics.

12 I have been engaged in public
13 service in Washington, DC and
14 Philadelphia for most of my career.

15 I have been practicing law for
16 more than 50 years. After graduating
17 from Temple University and then receiving
18 my law degree from the University of
19 Pennsylvania Law School, I began practice
20 in the private sector with a group of
21 other African American lawyers to form
22 what is considered to be Philadelphia's
23 first African American law firm, Norris,
24 Schmidt, Green, Harris and Higginbotham,
25 later called Norris Brown and Hall. That

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2 experience is one of the highlights of my
3 career, as several members of that
4 groundbreaking firm went on to achieve
5 great prominence in the legal field.
6 Seven members became federal or state
7 court judges.

8 Later in my career, I served
9 some time as the Chief of the Fraud Unit
10 and as a Deputy District Attorney for the
11 City of Philadelphia. I left
12 Philadelphia for Washington, DC when I
13 was appointed by President Lyndon Johnson
14 and later President Nixon to serve as the
15 Chairman of the U.S. Equal Employment
16 Opportunity Commission.

17 I have been active in the civil
18 rights area of employment, housing,
19 healthcare for the disadvantaged in
20 Philadelphia. I voluntarily served as
21 legal counsel to individuals filing
22 lawsuits concerning employment
23 discrimination and worked with the Urban
24 Coalition towards obtaining better jobs
25 and housing for the less fortunate in our

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city. As President of the Board of
Directors of Mercy Douglass Hospital, I
was instrumental in providing health
facilities in one of the underprivileged
areas of the City. I have chaired or was
an officer of numerous legal and civil
organizations. I also chaired the
Philadelphia Special Investigation
Commission that investigated the MOVE
tragedy in 1985. I served on the UPS
Board of Directors for 20 years, and
during that time, I was also a member of
the UPS Audit Committee, and for the last
five years of my service on the Board, I
was the Chair of that Committee.

Over the years, I have served
as a mediator and arbitrator in many
disputes and, if approved, would feel
comfortable in fulfilling the duties of a
member of the Board of Ethics. I have
experience with alternative dispute
resolution and I am a mediator for the
Federal District Court for the Eastern
District of Pennsylvania. I have also

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2 represented many clients in connection
3 with legal issues involving labor and
4 employment practices.

5 In closing, I would like to
6 thank Mayor Nutter for his nomination and
7 the members of this City Council for
8 considering my qualifications for service
9 on the Ethics Board. If confirmed, I
10 pledge to follow the law and regulations
11 applicable and to do all in my power to
12 make the ethics rules, which are so
13 important to government, fair, clear and
14 understandable for all the citizens of
15 this city.

16 I am pleased to answer any
17 questions that you may have, and I thank
18 you.

19 COUNCIL PRESIDENT VERNA: Thank
20 you, Mr. Brown. You certainly have a
21 wonderful background.

22 MR. BROWN: Thank you.

23 COUNCIL PRESIDENT VERNA: The
24 Chair recognizes Councilwoman Blackwell.

25 COUNCILWOMAN BLACKWELL: Thank

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2 you, Madam Chair. In addition to working
3 for an excellent law firm and in addition
4 to his work as a historian -- and we're
5 very, very proud of him in the African
6 American community -- if I liked him for
7 no other reason than that his wife is one
8 of the leading educators in our city. We
9 are proud to support him and his
10 nomination to be on this Board.

11 Thank you, Mr. Brown.

12 MR. BROWN: Thank you.

13 COUNCIL PRESIDENT VERNA: The
14 Chair recognizes Councilman Green.

15 COUNCILMAN GREEN: Thank you,
16 Madam Chair.

17 Good morning, Mr. Brown.

18 MR. BROWN: Good morning.

19 COUNCILMAN GREEN: I don't know
20 how familiar or how up to date you are on
21 the various issues that have gone on
22 between City Council and the
23 Administration and the Board of Ethics
24 with respect to bills that Council
25 introduced last year that revised some of

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2 the ethics laws with respect to current
3 regulations that are being considered
4 that would impact political activities in
5 the City of Philadelphia and other
6 things, but I want to say that we have, I
7 think, after an initial period of unease
8 been able to work very well with the
9 staff of the Board of Ethics and with the
10 Board itself to develop policies,
11 procedures and regulations that everybody
12 ended up comfortable with but not exactly
13 happy with everything that happened,
14 which in the sausage-making process is
15 sometimes a good thing.

16 My question is related to the
17 First Amendment, and when you -- I take
18 you at your word. You have a
19 distinguished career. And my question
20 is, do you think that the Board of Ethics
21 should consider the First Amendment when
22 they promulgate rules and regulations?

23 MR. BROWN: It would appear to
24 me that all of the laws and regulations
25 under which we operate should be

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2 considered. I think that the most
3 important aspect is making certain that
4 the consideration of the laws and
5 regulations are applied in a fair and
6 impartial manner.

7 COUNCILMAN GREEN: Okay. We
8 recently in City Council passed lobbying
9 reform and put the Board of Ethics in
10 charge of receiving the information about
11 lobbying reform and other things. I
12 don't know what that process is, but I'd
13 just like to know if you'd be -- there is
14 an estimate -- it costs the state about a
15 half a million dollars to put in place
16 their method of regulating lobbyists in
17 terms of technology expenditure, and
18 that's been an estimate I've heard from
19 the Ethics Board. I believe if we issued
20 a simple RFP with a simple set of
21 requirements for people to be able to
22 file their lobbying disclosure forms
23 online, we could probably get that
24 accomplished for \$25,000 to \$35,000 from
25 a small software developer in the City

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2 using commercial off-the-shelf
3 applications available on the Internet
4 today, and I wonder if you'd be open to
5 the Ethics Board issuing such an RFP so
6 that we can get effective in time for
7 that regulation to begin.

8 MR. BROWN: Well, having not
9 had the opportunity of serving on the
10 Board and not being familiar with those
11 proposals, what I can assure you is that
12 I would look at any proposal that would
13 come before the Ethics Board and I would
14 act upon whatever information we had, the
15 facts in issue, and do my very best to
16 make the best decision for the citizens
17 of the City.

18 COUNCILMAN GREEN: Thank you.
19 I appreciate your testimony and I look
20 forward to supporting you. Thank you,
21 Mr. Brown.

22 MR. BROWN: Thank you.

23 COUNCIL PRESIDENT VERNA: Are
24 there any other questions of Mr. Brown?

25 The Chair recognizes

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2 Councilwoman Tasco.

3 COUNCILWOMAN TASCO: Thank you.

4 I just want to say thank you
5 for accepting to serve on the Ethics
6 Board, and we will certainly value your
7 wisdom and your years of experience and
8 deliberating on tough issues. And we
9 just want you to look at them, be fair as
10 you deliberate and -- which I think I
11 believe you will be.

12 MR. BROWN: I appreciate the
13 Councilwoman's comments, and I certainly
14 will assure you and every member of
15 Council that that's exactly what I intend
16 to do, to look at every issue that comes
17 before us, to make a fair, independent,
18 impartial decision based on the facts
19 that are presented.

20 COUNCILWOMAN TASCO: Thank you
21 very much, and thank you for the many,
22 many years of service you've given to
23 this city and this state and this
24 country.

25 MR. BROWN: Thank you.

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2 COUNCIL PRESIDENT VERNA: The
3 Chair recognizes Councilman Rizzo.

4 COUNCILMAN RIZZO: Thank you,
5 Madam Chair.

6 Mr. Brown, how are you doing
7 today?

8 MR. BROWN: Fine. Thank you.
9 How are you today?

10 COUNCILMAN RIZZO: Good.
11 Listen, I just want to say thank you
12 again for your -- and I want to use the
13 word "sincere" -- service to this city.
14 You're very sincere. You've done so much
15 to make our city a better place, and I
16 thank you personally.

17 MR. BROWN: I appreciate that
18 very much.

19 MR. McPHERSON: Councilwoman
20 Miller.

21 COUNCILWOMAN MILLER: Thank
22 you. Thank you, Charlie.

23 Yes. Good morning, Mr. Brown.

24 MR. BROWN: Good morning.

25 COUNCILWOMAN MILLER: You know,

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2 I knew when I saw your name, I couldn't
3 remember -- I knew you worked for the
4 Presidents. I knew that, but I couldn't
5 remember everything. But this morning
6 after reading your testimony and looking
7 at your bio, which I had not had a chance
8 to yesterday, I certainly remember your
9 name. I used to go into Austin Norris'
10 office all the time as a youngster, and
11 Bonita Imbowski (ph) and other family
12 members were sort of like mentors to me.
13 And I want to thank you for your
14 interest, because we believe that the
15 Ethics Board does need people that are
16 interested in being objective and working
17 with us and not working -- not giving us
18 the feeling that you're working against
19 us or not working with us.

20 So I too just want to thank you
21 and thank you for all your years of
22 service to people here in Philadelphia.

23 MR. BROWN: Thank you for your
24 comments. And, again, I can assure each
25 member of Council that is indeed my

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2 intent.

3 COUNCILWOMAN MILLER: Thank
4 you.

5 Thank you, Madam President.

6 COUNCIL PRESIDENT Verna:
7 You're welcome.

8 The Chair recognizes
9 Councilwoman Brown.

10 COUNCILWOMAN BROWN: Thank you,
11 Madam President.

12 I would be remiss not to go on
13 the record to first acknowledge your
14 distinguished career and to be
15 appreciative of the fact that you're now
16 going to bring your rich career as a
17 legal scholar to the Ethics Committee,
18 which is still very young in its time
19 that it's been around, and to echo
20 Councilwoman Tasco's concerns, wherein
21 you have already affirmed that you will
22 look upon each case as a stand-alone and
23 weigh it based on the facts. So thank
24 you very much for your anticipated
25 service.

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2 MR. BROWN: You're quite
3 welcome. I might just say that based on
4 my background, I've had many occasions to
5 look at some very difficult issues.
6 First, when I was with the District
7 Attorney's Office, I was a Deputy, I had
8 the opportunity to look at and make
9 significant and at times very difficult
10 decisions. During the period of time I
11 served in the Administration in
12 Washington, many of those issues came
13 before us. We had to make judgments.
14 Many times they were unpopular, but we
15 felt that was our obligation. And
16 certainly during the period of time I
17 served as the Chair of what is properly,
18 I guess, popularly called the MOVE
19 Commission, we had many issues that came
20 before us that required our serious
21 consideration of all the facts. And I'm
22 very, very pleased to say that in spite
23 of the very difficult challenges that we
24 faced at that time, that all of our
25 recommendations, those some, I believe,

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2 49 or 50, we were able to have 49 of the
3 50 resolutions and recommendations
4 adopted unanimously, with a single
5 exception.

6 COUNCILWOMAN BROWN: Thank you,
7 Madam President.

8 COUNCIL PRESIDENT Verna:
9 You're welcome.

10 Are there any other questions
11 or comments?

12 The Chair recognizes Councilman
13 Green.

14 COUNCILMAN GREEN: Thank you,
15 Madam Chair.

16 Mr. Brown, one just quick
17 question about precedent. Are you
18 familiar with the body of law governing
19 political activities in Philadelphia
20 today?

21 MR. BROWN: No, not completely
22 I'm not.

23 COUNCILMAN GREEN: Okay. So we
24 have the Philadelphia Home Rule Charter
25 where it starts and then we have almost

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2 60 years of different City Solicitor
3 opinions, which are the sort of rules
4 that we are all governed by with respect
5 to political activities and have been for
6 60 years. And there has been a recent
7 City Solicitor opinion, which I
8 personally disagree with, but which says
9 that the Ethics Board has the authority
10 to interpret the Charter and say sort of
11 what the law is, that they don't have to
12 rely on the City Solicitor's opinion with
13 respect to what the law is.

14 So assuming that's true, I just
15 wonder how you would take into account
16 the precedent that exists and are the
17 rules that we're all operating under.
18 That's my first question.

19 MR. BROWN: Well, I think we
20 would all be required to look at whatever
21 the precedent was. My understanding --
22 and it's limited, admittedly -- is that
23 anyone has the option of also asking for
24 a separate opinion from the City
25 Solicitor's Office, and I think that part

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2 of our responsibility is to make our own
3 independent determination of what the
4 procedures and laws require.

5 COUNCILMAN GREEN: Right.

6 Actually, it's very confused, because we
7 cannot ask for confidential advice from
8 the Ethics Board. In other words, we can
9 ask for a confidential opinion, but
10 ultimately that could be disclosed
11 through a FOIA Act request or something
12 else, because the Ethics Board are not
13 our lawyers. The way the law was
14 written, we can have our lawyers give us
15 legal advice -- that's the City
16 Solicitor's Office -- and we only have
17 lawyer-client confidentiality if we go
18 that route, but the way it's currently
19 being interpreted, that is not
20 necessarily binding on the Ethics Board.
21 So the City Solicitor could give us one
22 piece of advice; you could give us
23 another. However, under state law if the
24 City Solicitor gives us that opinion,
25 regardless of what different advice the

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2 Ethics Board may give us, we can rely on
3 that opinion to be excluded from
4 liability under the ethics laws.

5 So it's a bit confused and we
6 have some clean-up to do with respect to
7 it.

8 Okay. My next question is, do
9 you believe that if you are going to
10 change the rules from current precedent
11 that we're all relying on, that you
12 should do that through regulation and not
13 after we have relied on precedent, come
14 back and say, Oh, we have a different
15 interpretation?

16 MR. BROWN: Well, I would
17 imagine that under no circumstance would
18 you go back and undo what has already
19 been done. If we give or if the Board
20 gives an opinion, I believe that the
21 person who is asking for that opinion --
22 this is prior to any action having been
23 taken. I believe that that person should
24 be able to rely on that opinion.

25 COUNCILMAN GREEN: I'm talking

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2 about not an opinion from the Board. I'm
3 talking about relying on existing
4 precedent. And obviously we take actions
5 every day. We can't call the Board every
6 day and ask their opinion on everything
7 we do. We're relying on what the law has
8 been for 60 years. So in reliance upon
9 that law, we're taking actions all the
10 time, and it has been my proposition that
11 in order to change an interpretation of
12 the Charter, the Ethics Board should do
13 that by regulation so that there's 30
14 days' notice and there's plenty of time
15 for comment from people who want to
16 engage in political activity rather than
17 through an opinion of the Board, which
18 can be brought up in one meeting, without
19 the public having had notice of decisions
20 that may impact them. And so that when
21 we're changing from existing precedent,
22 we should do that by regulation with a
23 public comment period rather than by an
24 opinion of the Board, which may or may
25 not have risen to the level that the

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2 public even knows about what's being
3 proposed.

4 And I'm not asking for your
5 answer on that question today. I just
6 wanted to raise that issue with you,
7 because it's something that many of us on
8 Council have been discussing with the
9 Ethics Board for several years.

10 MR. BROWN: And I can assure
11 you we will take a good look at that, or
12 I personally will take a good look at
13 that.

14 COUNCILMAN GREEN: Thank you,
15 Mr. Brown.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chair recognizes
19 Councilwoman Sanchez.

20 COUNCILWOMAN SANCHEZ: Thank
21 you, Madam President.

22 Good morning, Mr. Brown, and
23 thank you.

24 MR. BROWN: Good morning.

25 COUNCILWOMAN SANCHEZ: Thank

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2 you so much for your willingness to serve
3 in this important Board.

4 I wanted to make note that this
5 Council prior to my arriving to it voted
6 to establish the Board of Ethics because
7 it too believed in good government and
8 the importance and the value of having an
9 agency such as the Board of Ethics.

10 I've had some debate with --
11 and while the relationship has gotten
12 better with the Board of Ethics, one of
13 my issues is the role or the more
14 enforcement role that the Board has
15 played.

16 Can you tell me from your
17 experience so far, because you still have
18 the benefit of being an outsider coming
19 in, what would be the one thing that
20 you -- if you've looked at the exchange
21 that Council has had with the Board of
22 Ethics over the last year, what would be
23 the one thing that you feel the Board of
24 Ethics needs to improve right away?

25 MR. BROWN: Well, to be honest,

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2 it would be difficult for me to really
3 answer that directly with my limited
4 experience on this Board, which is zero,
5 but I can assure you that I believe that
6 the function of the staff is to make
7 recommendations to the Board, and then
8 the Board independently should make and
9 come to their own conclusions, taking
10 into account what the facts of the
11 particular case may have been.

12 COUNCILWOMAN SANCHEZ: I thank
13 you.

14 From what you've seen -- have
15 you seen some of the public discussions
16 that have had happened via the media?

17 MR. BROWN: I have seen some
18 very limited public discussions, and to
19 be honest, many of the things I see in
20 the newspaper I discount completely.

21 COUNCILWOMAN SANCHEZ: Too bad
22 the press is not here to hear that.

23 MR. BROWN: I'm not really
24 sure, without having firsthand knowledge
25 of what the facts are, that I could rely

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2 on what I see in the press and some of
3 the other media.

4 COUNCILWOMAN SANCHEZ: I thank
5 you. I think that is probably the best
6 response and one that we definitely in
7 Council welcome, the fact that we have
8 someone who is going to come in and look
9 at the facts and make an independent
10 opinion. That's exactly the type of
11 candidate we want on the Board of Ethics.
12 So thank you so very much.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 MR. BROWN: Thank you.

16 COUNCIL PRESIDENT VERNA: Are
17 there any other questions or comments?

18 The Chair recognizes Councilman
19 Jones.

20 COUNCILMAN JONES: Comment.
21 Reading your resume, having talked to you
22 briefly, it is our pleasure to welcome
23 you on board in your capacity, and I'm
24 just glad we're not paying you by the
25 hour. Thank you.

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2 MR. BROWN: Thank you.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 Any other questions or comments
6 from members of the Committee?

7 (No response.)

8 COUNCIL PRESIDENT Verna:
9 Mr. Brown, thank you very much.

10 MR. BROWN: Thank you. Thank
11 members of Council.

12 COUNCIL PRESIDENT Verna:
13 Ms. Gonzalez.

14 (Witness approached witness
15 table.)

16 MS. GONZALEZ: Good morning.

17 COUNCIL PRESIDENT Verna: Good
18 morning. Welcome. Please identify
19 yourself for the record and proceed with
20 your testimony.

21 MS. GONZALEZ: Yes. My name is
22 Sanjuanita Gonzalez and I'm an attorney
23 in Philadelphia.

24 COUNCIL PRESIDENT Verna: Thank
25 you.

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2 MS. GONZALEZ: May I proceed?

3 COUNCIL PRESIDENT VERNA:

4 Please.

5 MS. GONZALEZ: Again, good
6 morning, Council President Verna and
7 members of City Council. As I indicated,
8 my name is Sanjuanita Gonzalez. I'm an
9 attorney and the Managing Partner of
10 Cohen, Fluhr and Gonzalez, a law firm in
11 Philadelphia with practices in the areas
12 of social security disability and
13 immigration. I want to thank Mayor
14 Nutter for nominating me to the
15 Philadelphia Board of Ethics and City
16 Council for the opportunity to testify
17 before you in connection with this
18 nomination.

19 I would like to start by
20 sharing some information about my
21 background and my interest in wanting to
22 serve on the Board of Ethics for your
23 consideration on deciding on my
24 confirmation.

25 I was born and raised in

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2 Laredo, Texas, a small border town with
3 Mexico. In the early 1950s, my parents,
4 my sister and my three brothers
5 immigrated to the United States from
6 Mexico. I was the first born in the
7 United States. My brothers proudly
8 served in the United States Army and they
9 were deployed overseas at the same time:
10 one was in Vietnam, one in Thailand and
11 the other in Korea. My parents were very
12 hard-working people with a limited
13 education, but they instilled in us good
14 values. At an early age, I learned that
15 honesty, one's reputation and hard work
16 were very important.

17 I left my home in Laredo at the
18 age of 18 to pursue a Bachelor's Degree.
19 In those days, we only had a two-year
20 junior college in Laredo, Texas. I'm
21 happy to report that that has changed. I
22 earned my Bachelor's Degree in Social
23 Work from Texas Woman's University in
24 Denton, Texas. Subsequently I moved to
25 Puerto Rico, where I worked with troubled

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youths as a social worker. I returned to
the continental United States and
completed a Master's Degree in Criminal
Justice from John Jay College of Criminal
Justice in New York City. During that
time, I had a great learning experience
when I was chosen to participate in an
intensive internship with the New York
City Police Department. That was funded
by the Police Foundation in Washington,
DC. It was then that I decided to go to
law school, and I graduated from Rutgers
Law School in Newark, New Jersey. While
attending law school, I supported myself
by working as a social worker in a
non-profit organization and as an Adjunct
Professor at Seton Hall University and
Essex County Community College.

Soon after graduating from law
school in 1981, I came to live in
Philadelphia and I have since resided in
this area. I initially had a general
practice of law and realized that I
needed to develop an expertise in an area

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2 of the law. I have now been practicing
3 law in the areas of social security
4 disability and immigration for a number
5 of years.

6 During my career as an
7 attorney, I have been involved in
8 community as well as professional
9 organizations in Philadelphia. I served
10 as President of the Board of Concilio,
11 the oldest Latino community-based
12 organization in Pennsylvania. In that
13 role, I faced many challenging times, and
14 I sought and I received the assistance of
15 some of our elected officials and
16 government agencies to ensure the
17 survival of the organization. I was the
18 first appointed member of the Board of
19 Governors of the Philadelphia Bar
20 Association by the then Chancellor of the
21 Philadelphia Bar, Robert Heim. I also
22 served as Vice-President to the Hispanic
23 Bar Association of Pennsylvania.
24 Currently, I serve as Co-Chair of the
25 Social Security Disability Committee of

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2 the Philadelphia Bar Association after
3 being appointed by the last three
4 Chancellors of the Philadelphia Bar
5 Association. I have also presented at
6 national conferences to my colleagues on
7 ethics.

8 I believe that my values and
9 diverse educational and professional
10 experience make me a good candidate to
11 serve on the Board of Ethics. The Board
12 of Ethics serves a vital role by
13 promoting the public's trust in its
14 government. Government employees and
15 other government officials can likewise
16 benefit from the Board's educational and
17 training programs to prevent ethical
18 issues from arising. I believe that I
19 can be an effective member of the Board
20 of Ethics by fostering the need to
21 maintain integrity in our government
22 while ensuring that it is done in a fair
23 manner.

24 In closing, I would like to
25 once again thank Mayor Nutter and City

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2 Council for considering me to serve on
3 the Board of Ethics. I look forward to
4 the opportunity to serve the citizens and
5 the City of Philadelphia. And I am happy
6 to respond to any questions.

7 Thank you.

8 COUNCIL PRESIDENT VERNA: Thank
9 you very much.

10 The Chair recognizes
11 Councilwoman Sanchez.

12 COUNCILWOMAN SANCHEZ: Thank
13 you, Madam President.

14 I know many of my colleagues
15 have asked me if I know Sanjuanita, and,
16 yes, all Latinos know each other,
17 particularly if you are working in the
18 community. Not because she is my friend
19 and someone that I have worked with and
20 has been --

21 COUNCILWOMAN TASCO: She's a
22 crony?

23 COUNCILWOMAN SANCHEZ: Excuse
24 me?

25 COUNCILWOMAN TASCO: She's a

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801

2 crony?

3 COUNCILWOMAN SANCHEZ: She's a
4 crony? No, I wouldn't call her a crony.
5 Let's call her a mentor, someone who has
6 work extensively in our community doing
7 whatever she can, promoting women,
8 particularly women, into electoral office
9 and, more importantly, picking a side of
10 the law that is much needed in our
11 community as it is, immigration and
12 social security, choosing to serve
13 Philadelphia's poor.

14 So I have great respect for
15 Sanjuanita and know that she has the
16 values and the spirit and the integrity
17 that we want on the Board of Ethics.

18 So, yes, I know her. Yes, I am
19 very glad and happy to be in Council in
20 part because of the work she has done in
21 the community to be able to vote for her.

22 Thank you.

23 MS. GONZALEZ: Thank you.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

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2 The Chair recognizes Councilman
3 Green.

4 COUNCILMAN GREEN: Thank you.

5 Ms. Gonzalez, you heard the
6 questions I asked Mr. Brown. I won't
7 repeat them all, but I assume you would
8 look at all laws, including the U.S.
9 Constitution, First Amendment with
10 respect to freedom of expression when
11 applying political activities
12 restrictions?

13 MS. GONZALEZ: Absolutely. I
14 think that's very important, and I would
15 certainly look at everything before
16 making any type of decision.

17 COUNCILMAN GREEN: Thank you.
18 And the other thing is, have you taken a
19 look at the Charter related to 10-107 and
20 the areas of your jurisdiction and the
21 precedent that has flown out of that over
22 the last 60 years?

23 MS. GONZALEZ: I have been
24 reading a lot lately, but I cannot tell
25 you that I know everything. I've got

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2 some limited exposure to it. I will be
3 learning more about it.

4 COUNCILMAN GREEN: Did the
5 staff of the Ethics Board put together a
6 briefing book for you guys?

7 MS. GONZALEZ: Yes, actually,
8 they did, and I did go over it, but it
9 was quite a bit of material. But I will
10 continue to be learning as I go along,
11 but I did read a lot of the material that
12 was provided to us.

13 COUNCILMAN GREEN: I didn't ask
14 this direct question to Mr. Brown, but
15 it's sort of what I was getting to, and I
16 don't want you to answer it today, but
17 what I'd like the two nominees to
18 consider is a simple regulation that says
19 unless we have by regulation said
20 existing precedent doesn't apply,
21 existing precedent shall apply, and then
22 refer to all City Solicitor opinions that
23 have been issued over the last 60 years
24 so we know what the rules are.

25 The big fear of people involved

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2 in politics is that we'll be operating
3 under an existing set of rules and the
4 rules will have changed without any
5 chance for public comment. And so it
6 seems to me that right now we're
7 operating in a world where in theory
8 based on City Solicitor's opinion, we
9 could operate under precedent and the
10 Ethics Board could rule that that was not
11 allowed simply because we hadn't sought
12 an opinion for every action that we're
13 going to take. It seems to be putting
14 people in the political realm sort of --
15 it makes people who are involved in
16 politics very nervous.

17 And so I just ask you to
18 consider that, and I look forward, after
19 you've both gone through your briefing
20 books and had briefing from the staff, to
21 sit down and talk to you about a couple
22 of other suggestions I have, and I hope
23 you'd both be open to that.

24 MS. GONZALEZ: Thank you very
25 much for your comments, Councilman Green,

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801
2 and I just want to make a comment myself.
3 As you know, as an attorney, I do believe
4 in due process and I do believe in the
5 right to hearings, and I certainly would
6 want for everybody to know what the rules
7 are.

8 COUNCILMAN GREEN: Thank you
9 very much.

10 MS. GONZALEZ: Thank you.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 The Chair recognizes
14 Councilwoman Tasco.

15 COUNCILWOMAN TASCO: Thank you,
16 Madam President.

17 Good morning.

18 MS. GONZALEZ: Good morning.

19 COUNCILWOMAN TASCO: Thank you
20 for coming in and, again, thank you for
21 agreeing to serve on the Ethics Board.

22 I just want to say that we've
23 been working with the staff on some
24 regulations and have worked for the last
25 year, maybe year and a half in trying to

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2 clean up and clarify some issues that
3 have come before the Ethics Board, and we
4 have a fairly decent relationship and
5 mutual respect for each other at this
6 point.

7 There's an election coming up
8 next year, and we've talked to the staff
9 and the Ethics Board about this and just
10 want you to know that in -- this whole
11 ethics laws are new to us all.

12 Candidates who run for years have engaged
13 in practices that may not necessarily
14 have been illegal but it's like past
15 practice, but the new laws have
16 interpreted them a different way. I
17 think it's very important that all
18 candidates, whether they're currently
19 elected officials or future candidates
20 who file to run for public office, have
21 clear training on what -- here's what you
22 did in the past and you can't do this
23 now, because the law says you can't do
24 it. It's like this was then, this is now
25 kind of training, not, Well, most of the

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2 regulations are legal. Most of us are
3 not lawyers and most of us don't have
4 money to hire lawyers to interpret this
5 stuff. That costs a lot of money.

6 So what I want in plain English
7 that the person on the fifth grade level
8 can read and understand, what are the
9 rules, very succinctly, very clearly so
10 no one will intentionally break the
11 rules.

12 Now, you know, if they're given
13 the rules up front and they break them,
14 then, of course, you have to enforce
15 that, but I think that moving to this
16 year, having had the benefit of four
17 years, after the law was passed in '07,
18 we ran -- most of us were doing whatever
19 we do, and we've tried to clarify some of
20 the changes and we want people to be
21 aware of what those changes are and that
22 they're clear, and that's what I'm
23 asking. And we haven't gotten any
24 push-back, but going in as a new member,
25 we certainly want you to be supportive of

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801

2 that.

3 MS. GONZALEZ: Thank you, and I
4 can appreciate that, Councilwoman. In
5 fact, I think one of the most vital roles
6 of the Board is to provide education and
7 training so as to avoid any problems from
8 arising, because I think we all have the
9 same common goal and, that is, to have a
10 good government and a government that the
11 people can trust.

12 COUNCILWOMAN TASC0: Right. We
13 agree. Thank you very much.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Are there any other questions
17 or comments of Ms. Gonzalez?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: Thank
20 you very much.

21 MS. GONZALEZ: Thank you.

22 COUNCIL PRESIDENT VERNA: Our
23 third nominee is Sister Mary Scullion.
24 Sister had to be out of town today.
25 However, there is written testimony. I

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801
2 assume that everyone has received a copy.
3 And this is really renaming Sister to the
4 Board, to serve in the term ending
5 November 16, 2015. I don't see any
6 reason for us to hold this, simply
7 because Sister was in here not so very
8 long ago providing testimony to us as a
9 Board member.

10 So with that being said, this
11 will conclude our public hearing. We
12 will now go into our public meeting, and
13 the Chair recognizes Councilwoman Tasco
14 regarding Resolution 100799.

15 COUNCILWOMAN TASCO: Madam
16 President, I move that 100799 be reported
17 out of Committee with a favorable
18 recommendation.

19 (Duly seconded.)

20 COUNCIL PRESIDENT VERA: It
21 has been moved and seconded that
22 Resolution No. 100799 be reported out of
23 Committee with a favorable
24 recommendation.

25 All in favor will indicate by

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801

2 saying aye.

3 (Aye.)

4 COUNCIL PRESIDENT Verna: Those
5 opposed?

6 (No response.)

7 COUNCIL PRESIDENT Verna: The
8 ayes have it and the motion carries.

9 Again, the Chair recognizes
10 Councilwoman Tasco regarding Resolution
11 No. 100800.

12 COUNCILWOMAN TESCO: Madam
13 President, I move that Resolution 100800
14 be reported out of Committee with a
15 favorable recommendation.

16 (Duly seconded.)

17 COUNCIL PRESIDENT Verna: It
18 has been moved and seconded that
19 Resolution No. 100800 be reported out of
20 Committee with a favorable
21 recommendation.

22 All in favor will indicate by
23 saying aye.

24 (Aye.)

25 COUNCIL PRESIDENT Verna: Those

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT Verna: The
5 ayes have it and the motion carries.

6 The Chair recognizes
7 Councilwoman Tasco regarding Resolution
8 No. 100801.

9 COUNCILWOMAN TESCO: Madam
10 President, I move that Resolution 100801
11 be reported out of Committee with a
12 favorable recommendation.

13 (Duly seconded.)

14 COUNCIL PRESIDENT Verna: It
15 has been moved and seconded that
16 Resolution No. 100801 be reported out of
17 Committee with a favorable
18 recommendation.

19 All in favor will say aye.

20 (Aye.)

21 COUNCIL PRESIDENT Verna: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT Verna: The
25 ayes have it, the motion carries, and

1 12/7/10 - WHOLE - BILLS 100799, 800 & 801

2 this concludes the public meeting of the

3 Committee of the Whole.

4 Thank you all very much.

5 Congratulations.

6 (Committee of the Whole
7 concluded at 12:40 p.m.)

8 - - -

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on December 7, 2010, and that
8 this is a true and correct transcript of same.

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13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

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