



## *City of Scranton*

### *Ethics Board*

340 N. Washington Avenue

Scranton, PA 18503

Board Chairman: Matthew Meyer

Solicitor: John M. Hart, III, Esq.

February 16, 2021  
Via Electronic Mail

Paul Kelly, Esq.  
Scranton Municipal Recreation Authority Solicitor  
Scranton Redevelopment Authority Solicitor  
[paklaw6@gmail.com](mailto:paklaw6@gmail.com)

RE: Advisory Opinion 21-001(Outside Employment)

Dear Atty. Kelly:

Enclosed is a signed copy of Advisory Opinion 2021-1 addressing the question you presented to the Scranton Ethics Board.

Be safe,



John M. Hart, III, Esq.

Enclosure

CITY OF SCRANTON – BOARD OF ETHICS  
ADVISORY OPINION 21-001 (Outside Employment)

I. INTRODUCTION

The Board of Ethics (“Board”) received an e-mail dated February 9, 2021 from Paul Kelly, Esquire, requesting an Advisory Opinion as to: (1) whether or not a current solicitor for a city authority may accept and serve as a campaign chairman for a candidate running for a City office in the upcoming primary election in May 2021?

II. AUTHORITY

Section 8 of the City of Scranton Code of Ethics provides that the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and application of ethical standards set forth in the Code of Ethics. The Board hereby decides, by the publication of this Advisory Opinion, that the request for advisory opinion is proper and that the request for an advisory opinion on the matters set forth within Attorney Kelly’s correspondence is within the scope of Section 8 of the Code of Ethics.

III. FACTS

Per the February 9, 2021, correspondence from Attorney Kelly, currently the solicitor for both the Scranton Municipal Recreation Authority and the Redevelopment Authority, the Board was asked whether or not Atty. Kelly may accept a position as Campaign Chairman for a candidate who is running for a City Office in the upcoming primary election in May 2021.

IV. ADVISORY OPINION

Attorney Kelly is to be commended for requesting this advisory opinion from the Board of Ethics, by fully remaining in accordance with the Code of Ethics, particularly section 6-15(B) which states in pertinent part, “Each official or employee of the City of Scranton must be constantly on guard against conflicts of interest.”

Section 6-20(A)(1) of the Ethics Code enumerates actions that employees and officials of the City may not bid or have a material interest. One prohibited action is to “accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position”.

Furthermore, Section 6-20(A)(3) addresses outside employment stating the following:

Outside employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (for-profit or nonprofit), 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.

The first issue presented is whether Attorney Kelly is subject to the provisions of Section 6-20 of the Code of Ethics. Section 6-20 addresses prohibitive behavior not to be conducted by every city employees and officials. Section 6-17 of the Code defines an employee as “Any individual receiving full-time salary or wages and benefits from the City of Scranton.” Section 6-17 defines an official as “Any elected or appointed paid or unpaid member of the government of the City of Scranton, including without limitation members of any City boards, authorities, and commissions.”

Attorney Paul Kelly is currently an appointed solicitor for both the Scranton Municipal Recreation Authority and the Scranton Redevelopment Authority. Attorney Kelly’s position as solicitor for both Boards is by appointment, having been selected by the Boards to act as their solicitor. As such, Attorney Kelly would be considered an employee and/or official and is subject to the Code.

The next issue to be determined is whether or not Atty. Kelly may accept the outside employment that he has presented to the Board. The Code states this could be done provided that the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

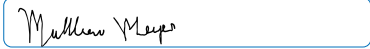
The Code of Ethics, in Section 6, contains a comprehensive list of prohibited behaviors too numerous to set forth in this Opinion. In reviewing the prohibitions that are explicitly stated in the Code, the Board finds no substantive, immediate or foreseeable conflict of interest that would prevent Atty. Kelly from accepting a position as committee chairman for a candidate in a City election.

While the Board finds no substantive, immediate or foreseeable conflict of interest in this outside employment, the Board would like to express concern about the potential for a future conflict of interest should a City official accept an outside position that may fall within the purview of the Code’s enumerated prohibitions. The Board anticipates that should this ever occur, the City employee/official would seek the Board of Ethics’ advise to avoid any potential conflicts of interest.

## V. CONCLUSION

For the reasons set forth herein, it is the opinion of the Board of Ethics that there would be no conflict of interest if Atty. Kelly, who currently sits as solicitor for two City Authorities, were to accept a position as committee chairman for a candidate in the upcoming City election.

CITY OF SCRANTON, BOARD OF ETHICS

By:   
ID id4T6azZtIKRamakP9J7sbmXm  
Matthew Meyer, Chairman

Adopted: \_\_\_\_\_, 2021

## eSignature Details

---

<b>Signer ID:</b>	<b>id4T6azZtKRamakP9J7sbmXm</b>
Signed by:	Matthew Meyer
Sent to email:	matthew.meyer@scranton.edu
IP Address:	134.198.198.16
Signed at:	Feb 16 2021, 12:36 pm EST