

**CITY OF PITTSBURGH
ETHICS HEARING BOARD**

IN RE:

CLETUS CIBRONE-ABATE

No.: 02-CFO-2017

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND FINAL ORDER

FILED ON BEHALF OF:

City of Pittsburgh
Ethics Hearing Board

COMPLAINANT:

Linda A. King, Executive Manager

COUNSEL FOR COMPLAINT:

Peter J. Halesey, Esquire
Falco Muscante, Esquire

RESPONDENT:

Cletus Cibrone-Abate , *Pro Se*

HEARING OFFICER:

William F. Ward, Esquire

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

AND NOW comes the CITY OF PITTSBURGH ETHICS HEARING BOARD, (“the Ethics Hearing Board”), having conducted a Public Hearing on September 25, 2017, pursuant to Pittsburgh Ordinance 38-2015, Title I, Article XI, Chapter 198 of the Pittsburgh Code (the “Ordinance”), and issues the following Findings of Fact, Conclusions of Law, and Final Order as hereinafter set forth:

I. FINDINGS OF FACT

1. Cletus Cibrone-Abate, Respondent, is an adult individual residing at 29 Briggs Street, Pittsburgh, PA 15234.
2. Linda A. King, Complainant, is the Executive Manager of the Ethics Hearing Board, located at 328 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.
3. Respondent testified that she began circulating nominating petitions on February 14, 2017 identifying herself as a candidate for Member of Council, District 4.
4. On March 7, 2017, Respondent filed her nominating petitions with the Allegheny County Department of Administrative Services, Elections Division.
5. The earliest date which appears on the nominating petitions filed by Respondent is February 14, 2017.
6. On March 20, 2017, Complainant, acting on behalf of the Ethics Hearing Board, sent Respondent a letter advising her of the need to file Campaign Finance Reports with the Ethics Hearing Board pursuant to the Ordinance.

7. Respondent testified that she did not receive a copy of the March 20, 2017 letter. It is noted that the March 20, 2017 letter was apparently addressed to an incorrect zip code.

8. Following an investigation conducted by the Office of the Ethics Hearing Board, it was preliminarily determined that Respondent had failed to file the required Campaign Finance Reports.

9. By letter dated May 12, 2017, the Ethics Hearing Board notified Respondent of her non-compliance with the Ordinance and issued a tentative fine in an amount up to \$1,000.00.

10. Respondent testified that she did receive the May 12, 2017 letter. The May 12, 2017 letter was sent to the same address as the March 20, 2017 letter, which Respondent testified she did not receive.

11. Respondent testified that she contacted the Office of the Ethics Hearing Board after receiving the May 12, 2017 letter to discuss the letter and the requirements imposed by the Ordinance.

12. After receiving the May 12, 2017 letter, Respondent provided the Office of the Ethics Hearing Board with a document titled, "Campaign Contribution and Expense Report for Aggregate Receipts and Expenditures of Less than \$250.00."

13. On May 23, 2017, the Respondent objected in writing to the imposition of the tentative fine. Accordingly, the Ethics Hearing Board scheduled a Public Hearing for September 25, 2017.

14. On September 25, 2017, at the Public Hearing, Respondent admitted that she did not file any Campaign Finance Reports and claimed that she did not understand that she was required to do so.

15. As of the date of the issuance of these Findings of Fact, Conclusions of Law and Final Order, Respondent has not filed any of the Campaign Finance Reports required by the Ordinance.

16. In determining the penalty to be imposed, the Ethics Hearing Board is taking into consideration: a) Respondent's claim that she did not receive the March 20, 2017 letter and b) Respondent's attempts after receipt of the May 12, 2017 letter to comply with the Ordinance.

CONCLUSIONS OF LAW

17. Respondent was a candidate for City Council, a City elected office, as defined by the Ordinance. ("The offices of Mayor, City Controller and City Council" are defined by Section 198.01(a) as City Elected Offices.).

18. The Ethics Hearing Board does not need to decide for purposes of this Order whether Respondent became a candidate on February 14, 2017, when she began circulating nominating petitions, or on March 7, 2017, when she filed her nominating petitions with the Allegheny County Department of Administrative Services, Elections Division, and thus it does not.

19. Respondent was obligated under Section 198.05(a) of the Ordinance to provide a Campaign Finance Report in the form mandated by the regular Allegheny County Board of Elections pre-primary reporting forms and procedures to the City's

Ethics Hearing Board on the first business day of each of the five months prior to election day during which she was a candidate for a City elected office.

20. The “Campaign Contribution and Expense Report for Aggregate Receipts and Expenditures of Less than \$250.00” filed by Respondent does not satisfy the requirements of the Ordinance.

III. FINAL ORDER

Following consideration by the Ethics Hearing Board of the sworn testimony heard and evidence admitted during the Public Hearing convened on September 25, 2017, to examine whether Respondent had complied with the Ordinance, the Ethics Hearing Board finds unanimously, based on clear and convincing evidence, in favor of Complainant and against Respondent that Respondent failed to comply with the requirements of the Ordinance. The Ethics Hearing Board further determines:

1. Respondent must now comply with the requirements of the Ordinance by filing with the Ethics Hearing Board her Campaign Finance Reports in the form mandated by the regular Allegheny County Board of Elections pre-primary reporting forms and procedures for each of the months in which Respondent was a candidate for City Office. Said Campaign Finance Reports shall be filed within 20 days from the date of this decision.


2. If Respondent properly files her Campaign Finance Reports within 20 days as set forth in Paragraph 1, Respondent’s fine shall be reduced to Fifty Dollars (\$50.00) due to the Board’s consideration of Respondent’s failure to receive the March 20, 2017 letter. However, payment of this fine is stayed pending further notice from the Ethics Hearing Board.

3. If Respondent does not properly file her Campaign Finance Reports within the 20 day period set out in Paragraph 1, then Respondent's fine shall be in the amount of One Thousand Dollars (\$1,000.00) as originally determined. In the event the fine set out in this Paragraph is triggered, payment of the fine is stayed pending further notice from the Ethics Hearing Board.

Respectfully submitted,

CITY OF PITTSBURGH
ETHICS HEARING BOARD

12 October 17
Dated


By: Amy McCall, Chairperson