



COUNTY of LUZERNE
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LUZERNE COUNTY
ACTING COUNTY MANAGER
ROMILDA P. CROCAMO, ESQ.

Luzerne County
Accountability, Conduct and Ethics Commission
Public Meeting- February 11, 2022
Council Meeting Room

The meeting was called to order. The Pledge of Allegiance was recited.

The following members were present: Thomas Mosca, Chair; Walter Griffith, Controller; Diane Dreier, Sam Sanguedolce, District Attorney; Romilda Crocamo, Acting County Manager;

Also Present: Jennifer Thomas, James Bobeck, Esq.

Additions/Deletions to the Agenda

Motion to add discussion of ACE Commission email to agenda

Moved by: Tom Mosca

Seconded by: Diane Dreier

Mr. Griffith asked for a legal opinion if an item can be added to the agenda. It was his understanding that you couldn't add to an agenda based on the new sunshine law.

Mr. Bobeck stated you had offer public comment on the item if it was added to the agenda. He informed the Board that the motion could be put on hold until the next meeting.

Mr. Mosca withdrew his motion to add an item to the agenda.

Motion to approve the minutes from the December 30, 2021 meeting.

Moved by: Diane Dreier

Seconded by: Romilda Crocamo

Vote: 4 Ayes (Mosca, Crocamo, Dreier, Sanguedolce)

1 Abstain (Griffith)

Public Comment

Diane Dreier stated that she was speaking on behalf of herself with the following comment. She expressed her disappointment that some council members voted against the recommendation of the commission. The finding of the report provided to council was that the County Charter had been violated. Therefore, the commission was mandated to recommend the penalties under Section 103.3B of the County's own Ethics Code. Ms. Dreier stated that the commission took its responsibilities very seriously. It is her opinion in failing to hold one of their fellow members accountable, County Council did not take their responsibilities seriously.

Walter Griffith stated his concern of the ruling was the ability of the commission to designate it as a violation of the Charter. He stated he was not disputing the facts of the case, he was disputing the ruling was a violation of the Charter, Section 217. Mr. Griffith stated as a drafter of the Charter, it was not the intent of Section 217. The intent was for council members to not interfere with the executive branch. Mr. Griffith stated what Mr. Urban did was inappropriate and did violate the Charter, but to use Section 217 for a censure and fine was not appropriate in his opinion. He stated the Commission could have ruled in another way. He stated that the commission now leave themselves open to rule on anyone that violates the Charter.

Motion to approve an invoice for James L. Bobeck, Esq. in the amount of \$1,729.00.

Moved by: Romilda Crocamo

Seconded by: Diane Dreier

Mr. Griffith stated he had no problem paying Mr. Bobeck for his services, however his concern was that it was in Mr. Sharkey's contract that he has an obligation to follow through a case until the end. Mr. Griffith stated that the contract had been breached.

Mr. Griffith made an amendment to the motion to state that Mr. Sharkey will be responsible for the payment of \$1,729.00 to James Bobeck, Esq due to breach of contract.

Motion fails for lack of a second.

Motion to adopt original motion

Vote: Unanimous

Discussion on the policy & procedure of the ACE Commission regarding the Enforcement Attorney.

Walter Griffith stated the concern he had was not with the commission itself, it's with the policy in the code. He stated the code is not to be a tribunal, court action, or enforcement attorneys. It was supposed to be a vehicle for employees to come to the commission with concerns. He stated it is being used as a weapon by some people. He said the problem he has is with the policy & procedure of the ACE Code. He felt a recommendation should be made to council to fix a code the commission has to enforce.

Tom Mosca responded that the actions that have been taken are consistent with the ACE Code. He stated the commission should look at developing Procedural Rules to aid the commission

Mr. Griffith stated the concern he had is on the enforcement attorney policy & procedure. He stated in previous minutes it stated attorney services are not RFP'd .He stated the Office of Law should not be involved in appointing attorneys for this commission. The code states it should be done by RFP.

Mr. Mosca stated that was not correct. He stated that it is in the code that an RFP needs to be done for ACE Enforcement Attorneys.

Mr. Griffith stated there is only one attorney. Mr. Mosca stated there is a reference to a Solicitor in the code. Mr. Griffith stated the enforcement attorney brings the information to the commission then the commission makes the ruling. A separate attorney is not needed to make a ruling.

Romilda Crocamo asked Mr. Griffith why the code uses enforcement attorney in one section then solicitor in another. She stated there has to be a reason why there were two designations.

Tom Mosca read Section 105.04J from the ACE Code.

Sam Sanguedolce stated it couldn't be the same person because the enforcement attorney who could be raising the objection could give advice on the ruling and that would be a conflict.

Romilda Crocamo stated it was her understanding there was a case brought forth and there were procedural objections raised at that time. In response to that she stated procedural protection is needed in the code because that is where we go when there is a case or complaint.

Mr. Griffith stated a solicitor should be retained only when there is a question, not to attend every meeting.

Mr. Mosca disagreed with that interpretation.

Mr. Griffith stated the solicitor does not make a determination, that's the duty of the commission.

Discussion regarding the sending of the ACE Code to the County Council for review and revision.

Discussion regarding Section 104.08 Rules and Procedures

Mr. Griffith stated he would like to send the code back to County Council. He has concerns about the way it is written. He stated the point of the ACE Commission was to help people have a voice with a problem they have in their government. He stated it is being used as a weapon and council needs to look at it and decide if the commission is being a Court of Common Pleas. If so, then they should do away with the ACE Commission and tell people they need to file a case with the courts and abolish the commission.

Sam Sanguedolce stated that everyone agreed that there are shortcomings in the way the code was written but to that extent the commission has become a tribunal. He stated that was required because the code requires the commission to effectively penalize employees of the County and the commission is not permitted constitutionally to do that without giving due process.

Tom Mosca stated that the commission needs to pursue a set of procedural rules. He stated that the ACE Code clearly contemplates that it is a tribunal of sorts, a court of limited jurisdiction because there is an appellate procedure to the Court of Common Pleas.

Mr. Griffith stated when the code was drafted the thought process was for anyone, even anonymous people to file a complaint with the commission. He stated the chair at the time refused to accept anonymous complaints, so the Controller instituted the hotline. He stated the code is to fix problems employees may have.

Walter Griffith requested a motion to send recommendations to County Council that the Code Review Committee can review.

Romilda Crocamo stated that the committee should send their concerns to council or the code review committee first.

Walter Griffith asked that this item be brought up for discussion at the next meeting and that the members compile a list.

Mr Mosca asked Attorney Bobeck to contact Allegheny County for a copy of their rules and procedures. Mr. Bobeck stated the PA Ethics Commission also has procedures in place as well.

Motion to go into an Executive Session-10:35AM

Moved by: Sam Sanguedolce

Seconded by: Diane Dreier

Vote: Unanimous

Motion to call the meeting back to order-10:50AM

Moved by: Sam Sanguedolce

Seconded by: Romilda Crocamo

Vote: Unanimous

Mr. Mosca stated that it was discussed in the executive session that two items were received. The commission does not presently have an attorney so he asked Mr. Bobeck to open them to determine if they were complaints. He stated that one was definitely a complaint and the other can be construed as a complaint. He asked that the Acting County Manager hold the resealed complaints in a secured cabinet in her office until the appointment of an attorney.

Sam Sanguedolce stated he wanted it to be clear on the method the envelopes are being held. He stated that the code is silent on that.

Sam Sanguedolce requested a motion that the envelopes be sealed separately and will be signed by the Chairman with a description that they were opened today and resealed today.

Moved by: Sam Sanguedolce

Seconded by: Diane Dreier

Vote: Unanimous

Discussion on next meeting date:

April 8, 2022 at 3PM in the Council Meeting Room

Motion to Adjourn:

Moved by: Romilda Crocamo

Seconded by: Sam Sanguedolce

Vote: Unanimous

Respectfully submitted,

Jennifer Thomas

Recording Secretary