



STATE ETHICS COMMISSION
 309 FINANCE BUILDING
 HARRISBURG, PENNSYLVANIA 17120

In Re: Joseph G. Spanik, : File Docket: 16-018
 Respondent : X-ref: Order No. 1719
 : Date Decided: 9/27/17
 : Date Mailed: 9/29/17

Before: Mark R. Corrigan, Vice Chair
 Roger Nick
 Maria Feeley
 Melanie DePalma

This is a final adjudication of the State Ethics Commission.

Procedurally, the Investigative Division of the State Ethics Commission conducted an investigation regarding possible violation(s) of the Public Official and Employee Ethics Act ("Ethics Act"), 65 Pa.C.S. § 1101 et seq., by the above-named Respondent. At the commencement of its investigation, the Investigative Division served upon Respondent written notice of the specific allegations. Upon completion of its investigation, the Investigative Division issued and served upon Respondent a Findings Report identified as an "Investigative Complaint." A Stipulation of Findings and a Consent Agreement were subsequently submitted by the parties to the Commission for consideration. The Stipulated Findings are set forth as the Findings in this Order. The Consent Agreement has been approved.

I. ALLEGATIONS:

That Joseph G. Spanik ("Spanik"), a public official/public employee in his capacity as a Commissioner for Beaver County, Pennsylvania, violated the Public Official and Employee Ethics Act ("Ethics Act"), 65 Pa.C.S. § 1101 et seq., as follows:

1. A violation of Section 1103(a) of the Ethics Act occurred when Spanik, pursuant to the authority of his office, utilized property and resources belonging to Beaver County for private pecuniary benefit, including but not limited to: use of County employee(s), material(s), equipment, and/or office space, for political (non-governmental) purposes, in furtherance of political fundraising events associated with his re-election bids;
2. A violation of Section 1105(b)(3) of the Ethics Act occurred when Spanik failed to complete/disclose any direct or indirect interest in any real estate which was sold or leased to the Commonwealth, any of its agencies or political subdivisions or purchased or leased from the Commonwealth, any of its agencies or political subdivisions or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or political subdivisions, upon Statements of Financial Interests filed for the 2011 and 2012 calendar years;
3. A violation of Section 1105(b)(5) of the Ethics Act occurred when Spanik failed to complete/disclose the name and address of any direct or indirect source of income totaling in the aggregate \$1,300 or more, to wit income received from Beaver County upon a Statement of Financial Interests filed for the 2015 calendar year;

4. A violation of Section 1105(a) of the Ethics Act occurred when Spanik failed to complete/disclose to the best of his knowledge, information and belief, all requisite information upon Statements of Financial Interests filed for the 2011, 2012, and/or 2015 calendar year(s); and
5. A violation of Section 1104(d) of the Ethics Act occurred when Spanik undertook the oath of office and/or entered/continued upon his duties, and continued to receive compensation from public funds, at a time when he did not maintain an accurate/complete Statement of Financial Interests as required by the Ethics Act.

II. FINDINGS:

1. Joseph G. Spanik ("Spanik") served as a Commissioner for Beaver County from January 5, 2004, to January 3, 2016.
 - a. Spanik served as the Chairman of the Beaver County Board of Commissioners in 2007.
 - b. Spanik ran for re-election as a County Commissioner ("Commissioner") in 2007, 2011, and 2015.
 1. Spanik was defeated in the November 2015 general election.
2. Beaver County (hereafter, "County") is a Fourth Class County governed by a three-Member Board of Commissioners (hereafter, "Board").
 - a. The Board holds legislative meetings on the second and fourth Tuesdays of each month.
 - b. The Board holds a weekly workshop meeting every Wednesday.
 - c. The Board may call and hold special meetings as necessary.

GENERAL HISTORY OF THE COUNTY COMMISSIONERS OFFICE AND THE COUNTY COURTHOUSE DURING SPANIK'S TENURE AS A COUNTY COMMISSIONER.

3. The County Courthouse is located at 810 Third Street, Beaver, PA 15009.
 - a. The County Commissioners Office is located on the first floor of the County Courthouse.
 1. The main office telephone number for the County Commissioners Office is 724-770-4400.
 2. Additional specific direct dial extensions are present in the County Commissioners Office for the three Commissioners, the administrative assistants/confidential secretaries, the chief of staff/chief clerk, and the financial administrator.
4. The employment position of administrative assistant/confidential secretary within the County Commissioners Office is a full-time, thirty-five hours per week position.
 - a. The County identifies full-time employees as employees who are regularly scheduled to work 35, 37.5, or 40 hours per week or more on a consistent basis and receive a fixed salary or regular hourly rate.
5. Regularly scheduled working hours for the administrative assistant/confidential secretary position are Monday through Friday, 8:30 a.m. – 4:30 p.m.

- a. Individuals serving in said position receive a one-hour unpaid lunch period and two fifteen minute breaks during their regular working hours.
6. The County Commissioners Office is composed of a communal open area; separate private offices for each of the three Commissioners, the financial administrator, and the chief of staff/chief clerk; and one vacant office.
 - a. The work stations for the administrative assistants/confidential secretaries are situated at various locations along the perimeter wall of the communal open area.
 1. The administrative assistants/confidential secretaries cannot readily identify the type of work being performed by each other from their respective work stations due to the positioning of the work stations.
7. Each individual employed as an administrative assistant/confidential secretary serves as a general administrative assistant for the County Commissioners Office as well as a confidential secretary for one of the three Commissioners.
 - a. The administrative assistant/confidential secretary position is not covered by or included within the County Union Contract.
8. General duties and responsibilities of the individuals employed as administrative assistants/confidential secretaries include, but are not limited to, the following:
 - a. Administrative Assistant:
 1. Answering telephones;
 2. Word processing;
 3. Assisting the public; and
 4. Other tasks as directed.
 - b. Confidential Secretary:
 1. Answering telephones;
 2. Attending meetings;
 3. Maintaining the assigned Commissioner's schedule/calendar; and
 4. Other tasks as directed.
9. Each administrative assistant/confidential secretary working within the County Commissioners Office is provided specific County equipment and/or other County resources to assist in the performance of his/her daily duties as well as general access to other County resources.
 - a. Each administrative assistant/confidential secretary is assigned an individual telephone/extension, a desktop computer, internet service access, a County email address, and access to the County network system.
 - b. The administrative assistants/confidential secretaries are granted general access to community equipment and supplies present in the County Commissioners Office (photocopier, facsimile machine, office supplies, etc.).

10. Three administrative assistant/confidential secretary positions existed concurrently within the County Commissioners Office during Spanik's tenure as a Commissioner.
 - a. Tracey Patton ("Patton"), Sharon Miller, and Lisa Walker ("Walker") served as the three administrative assistants/confidential secretaries in the County Commissioners Office during Spanik's tenure.
 1. Patton held the dual position of Chief Clerk-administrative assistant/confidential secretary from approximately 2006 through 2015.
 - b. Walker specifically served as Spanik's administrative assistant/confidential secretary during Spanik's entire tenure as a Commissioner.
11. Walker was assigned and/or had access to multiple County resources during the time frame of at least 2011 through 2015 in her capacity as an administrative assistant/confidential secretary.
 - a. Walker was assigned/had access to at least two separate desktop computers during the 2011 through 2015 time frame.
 1. Walker had most recently been assigned an HP Pro Desk desktop computer (Serial Number 2UA4211H5Q).
 2. Walker had previously been assigned an HP Pro 3005 MT desktop computer (Serial Number MXL9530Q3N).
 - b. Walker had access to a County landline telephone at her work station which was allocated the number [telephone number redacted] during the 2011 through 2015 time frame.
 1. Walker's direct dial County telephone number was published in the Commissioners Office Staff section of the County website.
 - c. Walker was assigned a County email address designated as [email address redacted].
 1. Walker's County email address was published in the Commissioners Office Staff section of the County website.
 - d. Walker was assigned/had access to a private file on the County network under the designation "lwalker" in her position as an administrative assistant/confidential secretary.
12. From 2011 through 2015, Walker received an annual salary as an administrative assistant/confidential secretary within the County Commissioners Office, as detailed below:

<u>Effective Date</u>	<u>Hourly Wage*</u>	<u>Annual Salary*</u>
01/01/2011	\$20.34	\$37,013.34
01/01/2012	\$20.34	\$37,013.34
01/01/2013	\$24.09	\$43,849.02
01/01/2014	\$24.82	\$45,165.12
01/01/2015	\$25.56	\$46,521.02

*Figures obtained from County Employee Pay Rate Reports.

- a. Walker's hourly wage increased from approximately \$20.94 per hour in 2012 to approximately \$24.09 per hour, or approximately \$43,849.02 annually, effective October 15, 2012.

1. The effective date of Walker's hourly wage increase after January 1, 2012, from approximately \$20.34 to approximately \$20.94 was not documented on County payroll records provided.

HISTORY OF SPANIK'S CAMPAIGN COMMITTEE AND CAMPAIGN/FUNDRAISING EFFORTS.

13. From at least February 2007 through December 2015, Spanik utilized the services and/or assistance of a campaign committee, "Friends for Joe Spanik" (the "Campaign Committee"), to support his political campaign efforts.
 - a. Addresses utilized by the Campaign Committee on Campaign Finance Reports ("CFRs") filed represented Spanik's home address at the applicable time.
14. The Campaign Committee utilized a physical address of P.O. Box 294, Beaver, PA 15009 as well as an email address as communication/contact mediums.
 - a. Payment for fees associated with the P.O. Box was issued from Spanik's Campaign Committee funds.
15. The Campaign Committee was composed of a loose group of individuals who participated and assisted in Spanik's campaign/re-election efforts.
 - a. The number of individuals involved in the Campaign Committee fluctuated at any given time.
 - b. Services performed by members of the Campaign Committee included, but were not limited to, stuffing envelopes, making telephone calls, working at fundraisers, organizing events, etc.
16. Core individuals involved in Spanik's campaigns included, but were not limited to, Spanik, Mike Spanik, Pamela Ronczka ("Ronczka"), Walker, Charles Datz ("Datz"), and Mike Sisk ("Sisk").
 - a. Mike Spanik is Spanik's brother.
 - b. Ronczka is Spanik's niece.
 1. Ronczka served as Spanik's Campaign Committee Treasurer.
 - c. Walker was Spanik's administrative assistant/confidential secretary at the County.
 - d. Datz was a campaign consultant specifically retained by Spanik to provide campaign management and fundraising services in 2013 and 2014.
 - e. Sisk is a Member of the Beaver County Democratic Committee.
17. Meetings of Spanik's Campaign Committee primarily occurred at local restaurants in the Aliquippa, Monaca, Beaver, etc., area on Saturday mornings.
 - a. No meetings of Spanik's Campaign Committee occurred on or within County property or on County time.
18. Spanik and/or the Campaign Committee routinely sponsored/scheduled at least one major fundraising event per calendar year.

- a. The annual fundraising event was routinely an invitation only golf outing event or dinner event.
 1. Organization of golf outings held was accomplished with the assistance of a Golf Committee.
 - aa. The Golf Committee primarily consisted of a small group of individuals involved with Spanik's overall Campaign Committee.
 - b. Additional fundraising events were at times held during election years.
19. Shortly after taking office in 2006, Spanik began using his confidential secretary, Walker, to assist with his campaigns for re-election.
 - a. Spanik ran for re-election in 2007, 2011, and 2015, and held annual fundraisers even in years that he was not running for re-election.
 - b. Spanik requested Walker's assistance while in the County Courthouse.
 - c. Walker was not involved with and/or did not perform services for Spanik's Campaign Committee prior to Spanik taking office as a Commissioner in 2006.
 1. Walker was not familiar with Spanik prior to Spanik beginning his first term as a Commissioner.
20. As Spanik's administrative assistant/confidential secretary, Walker felt obligated to assist Spanik with his campaign/re-election efforts.
 - a. Spanik's re-election as a Commissioner provided "job security" for Walker.
 1. Newly elected Commissioners were not obligated to retain the existing administrative assistants/confidential secretaries in the County Commissioners Office upon taking office.
 - b. Walker did not object to performing campaign-related activities for Spanik.
21. In 2009, Walker began serving as the Secretary for Spanik's Campaign Committee.
 - a. Walker's services to the Campaign Committee included, but were not limited to, generating letters, mailing letters, making telephone calls, sending/receiving emails and/or text messages, working at fundraising events, tracking fundraising event information, etc.
 - b. Walker provided her personal cellular telephone number and personal email address to members of the Campaign Committee as contact points.
 1. Walker's most recent personal cellular telephone number was [telephone number redacted].
 2. Walker's personal email address was [email address redacted].
22. Spanik provided Walker with his personal laptop computer for use by her in the performance of campaign/fundraising-related work.
 - a. Walker utilized Spanik's personal laptop computer for campaign/fundraising purposes both at her home residence and at the County Commissioners Office.

23. Campaign-related work which Walker completed with Spanik's computer was ultimately provided to Spanik through various mediums, including email and USB drives.
 - a. Walker provided campaign/fundraising information to Spanik via email transmission to the email address for Spanik's Campaign Committee.
 - b. Walker also provided campaign/fundraising information in person to Spanik in the County Commissioners Office via portable USB drive.
 1. Spanik made physical copies of the material contained on the USB drive at a non-County location.
 2. Walker obtained the finished copies of campaign material from Spanik's vehicle on her lunch break or after finishing work for the day and placed the copies in her personal vehicle.
24. Walker, at times between 2012 and 2015, also utilized County resources including office space, computers, and telephones to facilitate transmission of campaign/fundraising information to/for Spanik.
 - a. Walker emailed campaign/fundraising-related information from Spanik's personal laptop to her County email address to/for Spanik to review.
 1. Walker emailed information to her County email address which she felt Spanik should personally see/review.
 - aa. Walker also emailed campaign/fundraising documents to her County email which contained required information Walker had on her County network files or documents.
 - bb. Walker also emailed campaign/fundraising documents to her County email which Walker saved on the County network as templates for possible future use.
 2. Walker provided campaign/fundraising information to Spanik in paper form after printing the information on the County printer located within the County Commissioners Office.
 - aa. The specific number of campaign/fundraising emails Walker sent, received, and/or printed via use of County resources and/or the amount of County time used to perform such could not be determined.
 3. These campaign activities using County resources and on County time were done with Spanik's knowledge and consent.
 - b. Walker received additional campaign/fundraising-related emails at her County email address beyond the campaign/fundraising emails she sent to herself.
 1. Walker received campaign/fundraiser-related emails at her County email address although she had informed various individuals associated with Spanik's campaign/fundraising efforts to utilize her personal Yahoo email account.
 - aa. Walker routinely opened the campaign/fundraising-related emails received at her County email address on her County

- computer during regular County working hours.
- bb. Walker printed various campaign/fundraising emails from her County computer on the County printer and provided them to Spanik for review and/or forwarded the emails to Spanik's County email address depending on the information contained within the emails.
2. Walker forwarded a significant number of campaign/fundraising emails received at her County email address from outside sources to her personal email address ([email address redacted]) and/or the email address for Spanik's Campaign Committee.
- aa. The total number of campaign/fundraising emails Walker received, forwarded, and/or printed via use of County resources and/or the amount of County time used to perform such could not be determined.
 - bb. The emails related to campaigns/fundraising done during, in, or about times of a fundraising event.
- c. Walker received campaign/fundraising-related calls on her personal cellular telephone as well as her County landline telephone while in the County Commissioners Office during her normal work hours.
- 1. Walker routinely informed the callers of her need to return the call while on her break/lunch period or provided the callers with contact information of another Campaign Committee member.
- d. Walker received and made telephone calls using County telephones during her County work hours that were related to Spanik's re-election campaign.
- e. Walker was being compensated as a County employee while some of the campaign-related matters were ongoing.
25. In addition to use of County computer equipment, internet access, printers, telephones, and time, Walker saved multiple documents relating to Spanik's campaign/fundraising efforts to the County network.
- a. This can be documented as occurring at least between 2011 and 2015.
 - b. Walker, at times, generated and/or modified campaign/fundraising-related documents while in the County Commissioners Office and ultimately saved these documents to the County network.
 - 1. Walker typically completed the campaign/fundraising-related tasks while on her lunch and/or on her break periods.
 - aa. Walker primarily did so via use of Spanik's personal laptop computer in the vacant office within the County Commissioners Office.
 - b. Walker did save campaign/fundraising-related documents to the County network to serve as templates for potential future use with Spanik's campaign/fundraising activities.
26. Spanik did, at times, direct Walker to generate campaign/fundraising-related documents during her regular work days and hours in the County Commissioners Office.

- a. Walker prepared various campaign/fundraising-related documents at Spanik's direction via use of County resources, including computers.
 - b. Letters were the primary campaign-related documents created by Walker at Spanik's direction.
27. Spanik also utilized Creative Visions Media Services (hereafter, "Creative Visions") to further assist his campaign efforts in 2015.
- a. Creative Visions was a marketing/strategic planning company.
 - b. Spanik utilized Creative Visions to develop, organize, and manage campaign postcard mailings for the 2015 primary election.
 1. The postcard mailings referenced both Spanik and Amadio in relation to the 2015 election year.
 - c. Spanik utilized Creative Visions to manage his 2015 annual golf outing fundraiser.
 1. Management of the event included responsibility for the development of literature (e.g. brochures, registrations, signs, etc.) for the event, oversight of actual production via outsourcing, tracking responses, follow-up contact via telephone and/or email, collection of fees, etc.
28. Spanik also retained Picture This Media Group to provide graphic design services for the layout and design of a campaign mailer and voter letter regarding the 2015 general election.
- a. Creative Visions ceased operation by the fall of 2015.
 - b. Picture This Media Group moved into and operated from the Wexford, Pennsylvania office location previously utilized by Creative Visions.
29. In 2015, Spanik purchased and maintained a personal cellular telephone through Verizon Wireless in association with his campaign/fundraising efforts.
- a. The cellular telephone and monthly plan were purchased through funds raised by Spanik's Campaign Committee.
 - b. Spanik placed a voice mail message on his County-issued cellular telephone advising callers to contact a separate number if the reason for the call to Spanik was campaign-related.
 1. Spanik identified the number for campaign-related calls within the body of the voice mail.
 - c. Spanik continued to also use his County landline and cellular number as points of contact after purchasing the campaign cellular telephone.
30. Upon contracting with Creative Visions in 2015, Spanik informed Amy Taylor ("Taylor") of Creative Visions that separation was required between his re-election efforts and his position as a Commissioner.
- a. Spanik provided Creative Visions with his personal cellular telephone number as well as the Campaign Committee email address as contact points for campaign/fundraising-related matters.

- b. Spanik advised Creative Visions representatives to avoid utilizing his County contact points for campaign-related issues.
31. Although provided with personal and/or non-County related contact points, Creative Visions was also provided with County contact points for Spanik and Walker.
 - a. Creative Visions had Spanik's and Walker's County contact information, including telephone numbers and email addresses, as a result of the initial meeting between Spanik and Taylor.
 32. Although provided with personal contact points for Spanik, representatives of Creative Visions did utilize Spanik's County contact points for issues requiring immediate attention, such as if a proof nearing a print deadline required approval, etc.
 33. Spanik provided both his County cellular telephone number and personal cellular telephone number to Creative Visions in association with campaign/fundraising activities to be initiated in 2015.
 - a. Creative Visions documented Spanik's office contact information as his County-issued cellular number of [telephone number redacted] and his personal cell information as [telephone number redacted].
 - b. Additional Creative Visions notes related to Spanik's 2015 golf event documented the following under "Contacts":
 - Lisa Walker (Joe Spanik's Secretary)
 - Supposed to provide list
 - [telephone number redacted]
 - 1. Telephone number [telephone number redacted] was Spanik's direct dial number at the County Commissioners Office.

FUNDRAISING EVENTS 2011 TO 2015.

34. During the time frame of July 2011 through December 2015, Spanik and/or Spanik's Campaign Committee sponsored a minimum of five separate fundraisers for Spanik's campaign efforts as detailed below:

<u>Calendar Year</u>	<u>Event Description</u>	<u>Event Location</u>	<u>Event Date</u>
2012	Golf Outing	Beaver Valley Country Club	June 1, 2012
2013	Dinner Event	Seven Oaks Country Club	June 12, 2013
2014	Golf Outing	The Club at Shadow Lakes	June 13, 2014
2015*	Dinner Event	The Fez	April 30, 2015
2015*	Golf Outing	Beaver Valley Country Club	August 14, 2015

*2015 was an election year

- a. The scheduling of these events was primarily arranged by Spanik.
 - b. Spanik's County telephone and cellular telephone numbers were utilized as contact points for scheduling.
35. Spanik's County-issued cellular telephone number of [telephone number redacted] was on file as a contact number for Spanik with Beaver County Country Club for the

2012 and 2015 golf events.

- a. Correspondence dated October 2, 2016, from Rudy Vetica, President of Beaver Valley Golf Club, documented Spanik as the individual responsible for scheduling the 2012 and 2015 golf events.
 1. Spanik utilized the services of C&S Sports, LLC, to obtain multiple clothing items in association with the 2015 golf event as documented on Invoice Numbers 13848 and 13951.
 - aa. Support documents associated with Invoice Numbers 13848 and 13951 document Spanik as the customer and Spanik's County-issued cellular telephone number of [telephone number redacted] as his contact number.
36. Spanik's County-issued cellular telephone number of [telephone number redacted] as well as Spanik's County-assigned email address were initially on file as points of contact for Spanik regarding the Seven Oaks Country Club event contract dated February 18, 2013 (Revised).
- a. On June 4, 2013, at 11:19 a.m., Spanik's Campaign Manager emailed Joe Strauss of the Seven Oaks Country Club advising of the contact information for the event as follows:

*Charlie Datz, Campaign Manager
Friends of Joe Spanik Committee
P.O. Box 294
Beaver, PA 15009
Cell/Voice Mail: [telephone number redacted]*
 - b. Datz emailed Joe Strauss at Seven Oaks Country Club on June 6, 2013, at 10:20 a.m., requesting and ultimately rescinding the removal of Spanik's County cellular telephone number and County email address from the event contract dated June 7, 2013, and its replacement with Datz's email and cellular telephone number as well as the Campaign Committee's email.
 1. Additionally, documented in Datz's June 6, 2013, email was a response to Strauss' June 5, 2013, email which requested an estimated count of guests as follows:

*Joe:
Thanks for getting back to us yesterday. We will have a count for you ASAP today. One of the Commissioner's staff is working on that now and I will forward to you as soon as possible.*
37. Records associated with the golf event held at The Club at Shadow Lakes on June 13, 2014, documented no contact numbers of any type for Spanik or the Campaign Committee.
- a. Correspondence dated September 16, 2016, from James Manganello, owner of The Club at Shadow Lakes, documented Manganello personally speaking with Mike Spanik, Spanik's brother, regarding the event.
38. Spanik's County-issued cellular telephone number of [telephone number redacted] was on file with The Fez as a contact number, with Spanik specifically identified on the event invoice as the site contact as well as the booking contact for the 2015 fundraiser dinner event.

- a. Email correspondence between representatives of The Fez on April 30, 2015, documented telephone contact with Walker, Spanik's County assistant, regarding the event as follows:

As you know, Kelly is not in today. Joe Spanik's office (Lisa) called and wanted a 4-ft table inside the room on the right, right inside the door, for literature (there is a 4ft already skirted in the room against the wall, for no reason, so it will just have to [sic]moved to where she wants it. Also needs the 6 reserved parking spaces before his staff arrives at 5:00. And, behind head table (where they were working on doors) is still not mixed properly.

39. In 2014, Spanik also utilized Walker's direct dial County telephone number in the County Commissioners Office as a point of contact to Campaign Committee members serving on Spanik's Golf Committee.
 - a. Spanik authorized the distribution of a memo dated March 13, 2014, in his name to his Golf Committee members regarding a Golf Committee meeting to be held on Saturday, March 29, 2014.
 1. Specifically documented in the memo was, "Please contact Lisa to let her know if you will be able to attend. Give her a call at [telephone number redacted]."

HISTORY OF THE DISCOVERY OF CAMPAIGN AND/OR FUNDRAISING DOCUMENTS ON WALKER'S COUNTY NETWORK FILE.

40. The County utilizes an IT Network system to assist with the day-to-day operations of the County.
 - a. The purpose of the County IT Network system includes the following:
 1. To safely and efficiently provide County employees secure access to County applications, Internet access, files, and data;
 2. To facilitate the back-up and protection of all County applications, files, and data; and
 3. To facilitate communication via email to all County employees, vendors, and County residents.
41. Each employee with access to a County computer within an applicable department has a specific file on the network if deemed necessary.
 - a. Each department is individually mapped within the network.
 - b. Each individual granted access to the network has an assigned file name.
 - c. The need for an employee to have a file on the network is determined by the applicable elected official or department head.
42. Each employee file on the network is privatized.
 - a. An employee accessing his/her department on the network can identify every employee within his/her department who has a file on the network; however, each employee has access only to his/her own file.

- b. Exceptions to file access exist regarding employees of the County IT Department.
 1. Employees of the County IT Department may access the files of other department employees as needed.
43. County employees/representatives with access to the network are encouraged and directed to save documents on the County network drive to ensure that back-up/restore services can be provided if needed.
 - a. Representatives of the County IT Department manually configure the Microsoft Office applications to save to the County network drives when setting up a County computer for employee use.
 1. Documents still may be re-directed to another location if the user chooses to override the default settings.
44. The back-up system used by the County has multiple retention settings in place regarding employee user files, including two daily snapshot back-ups for a fourteen day period, a weekly snapshot back-up for an approximate six month period, and a monthly snapshot back-up for almost a full year period.
 - a. Files of employees who have left the County's employ are routinely maintained for a period of time in order for their files to be accessed for forms, templates, sample writing, etc.
 - b. The program maintains a continual, automatic drop-off period of approximately one month as time passes.
45. Spanik's assistant, Walker, was assigned and/or had access to at least two desktop computers, the County email system, and a file on the County network from at least January 2011 through December 2015.
 - a. Walker was assigned/had access to an HP Pro 3005 desktop computer and an HP Pro Desk desktop computer at different times from January 2011 through December 2015.
 - b. Walker was assigned a County email address designated as llwalker@beavercountypa.gov.
 - c. Walker was assigned/had access to a private file on the County network under the designation "lwalker."
46. Coinciding with the seating of the new Commissioners in 2016 was a reduction in the number of administrative assistants/confidential secretaries in the County Commissioners Office from three to two.
 - a. None of the three administrative assistants/confidential secretaries in the County Commissioners Office during Spanik's tenure were retained under the incoming administration.
 - b. Walker was terminated from her employment with the County effective January 3, 2016.
 1. Walker's County email, PC, and network account were locked and secured upon completion of her last day of employment with the County in accordance with established procedure.
47. Joe Weidner ("Weidner"), County Chief Clerk/Chief of Staff for the Commissioners

in 2016, reviewed the network files of the prior administrative assistants/confidential secretaries to familiarize himself with and/or obtain sample document templates, sample letters, etc., due to Weidner's inexperience in the position of Chief Clerk/Chief of Staff.

48. Weidner's review of Walker's network files revealed multiple examples of campaign/fundraising activity authored and/or modified by Walker on her County computer and saved to the County network.

a. The documents were saved within Walker's file designated as "lwalker" on the County network.

49. Walker's County network files contained a minimum of twenty-three campaign/fundraising documents spanning the time frame of July 2011 through August 2015 in Walker's County email and saved to the network or created and/or modified by Walker in the County Commissioners Office and saved to the network as shown below:

TITLE	DESCRIPTION	DATE CREATED	TIME	LAST MODIFIED	TIME	AUTHOR	LOCATION GENERATED*
2011townchairs	Democratic Committee Chairs	01/12/11	2:52a	07/27/11	11:11a	L. Walker	Unknown
Dear Friends and Supporters	Fundraiser Solicitation	08/05/11	3:49p	08/05/11	4:28p	L. Walker	Onsite at Cty
Hole1	Hole Sponsor Register	09/14/11	3:50p	09/14/11	4:06p	L. Walker	Offsite-emailed to Cty
Document1	Campaign Fundraiser	01/26/12	5:04p	01/26/12	5:04p	L. Walker	Onsite at Cty
2010 COMMITTEE LIST	Dem Comm Register	02/19/10	10:21a	04/19/13	1:42p	L. Walker	From Cty Elect Bur
new list	Contribution Register	06/25/13	3:56p	06/26/13	10:47a	L. Walker	Offsite-emailed to Cty
September 11 Spanik	Campaign Update Letter	09/05/13	11:38a	09/05/13	12:21p	L. Walker	Onsite at Cty
joejune12	Donation Register	05/31/13	10:13a	10/29/13	11:23a	L. Walker	Offsite-emailed to Cty
mark Elder	Campaign Contrib. Letter	02/05/14	2:17p	02/05/14	2:57p	L. Walker	Onsite at Cty
Golflabels2013	Label Register	03/13/14	11:20a	03/14/14	10:29a	L. Walker	Unknown
HOLE	Hole Sponsor Register	05/08/08	2:14p	06/10/14	2:28p	L. Walker	Offsite-emailed to Cty
GOLF RULES2008	Fundraiser Rules	05/08/08	2:13p	06/11/14	3:36p	L. Walker	Unknown
CHARLIE	Golf Holes	06/12/14	8:39a	06/12/14	8:39a	L. Walker	Offsite-emailed to Cty
number 2	Campaign Support Letter	07/17/14	9:58a	07/17/14	10:22a	Unknown	Emailed to LW
number 1	Campaign Support Letter	07/17/14	8:32a	07/21/14	9:41a	Unknown	Emailed to LW
TAJS	Candidacy Announcement	02/23/15	1:56p	02/27/15	11:37p	CCBC	Emailed to LW
Golf Committee.2007doc	Golf Comm Register	01/05/07	1:52p	06/03/15	11:13a	L. Walker	Onsite at Cty
Golf Committee.2015doc	Golf Comm Register	06/03/15	3:28p	06/03/15	3:28p	L. Walker	Onsite at Cty
Golfcommitteeelabels2013	Golf Comm Labels	06/10/15	9:27a	06/10/15	9:27a	L. Walker	Unknown
Golf Committee	Name Register	06/18/15	3:04p	06/18/15	3:34p	L. Walker	Offsite-emailed to Cty
golfmeeting	Comm Mtg Letter	06/19/15	8:54a	06/19/15	9:35a	L. Walker	Offsite-emailed to Cty
Joe Spanik is serving...	Re-election Info	08/26/15	10:04a	08/26/15	10:25a	L. Walker	Unknown
joelist72815	Donation Contact List	07/28/15	11:01a	08/27/15	11:28a	L. Walker	Offsite-emailed to Cty

* Information regarding the location at which the documents were generated was provided by Walker.

a. Multiple other campaign/fundraising-related documents with creation and/or modification dates ranging from as early as February 2005 through February 2011 were discovered on Walker's network files which pre-date the statute of limitations associated with the State Ethics Act.

50. In addition to campaign/fundraising-related documents in Walker's network files, Walker's County email account (llwalker@beavercountypa.gov) contained a minimum of thirty-six email transmissions (sent or received) in 2015 between Walker and representatives of Creative Visions, Picture This Media Group, and/or

Friends for Joe Spanik which related to campaign and/or fundraising events as detailed below:

Date/Day	Time	From	To	Subject	Message (Summary)
Mon, Aug 31, 2015	9:37 AM	xxxxx@creativevisions.us	llwalker@beavercountypa.gov	Contact List	Updating current contact list
Mon, Aug 31, 2015	9:38 AM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Contact List	Walker confirmed she will work on
Mon, Aug 31, 2015	1:21 PM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Contact List	Walker made suggestions on how to contact individuals; indicates she will not have email for most
Tue, Sept 01, 2015	12:07 PM	llwalker@beavercountypa.gov	xxxxxx@thinkminc.com	Joe Spanik Golf Outing	Walker informed Taylor that Spanik wanted her to forward a document to Taylor
Tue, Sept 01, 2015	12:22 PM	xxxxxx@thinkminc.com	llwalker@beavercountypa.gov	Joe Spanik Golf Outing	Taylor thanked Walker for the message
Thu, Sept 03, 2015	11:59 AM	xxxxxx@thinkminc.com	llwalker@beavercountypa.gov	Joe Spanik Golf Outing	Taylor questioned entry fee and changing the number of players in a team, where to send the check for the team, and passed on a request from the participant that the participant needed signs and wanted to participate in Spanik's next event
Fri, Sept 04, 2015	9:30 AM	xxxxxx@creativevisions.us	llwalker@beavercountypa.gov	Contact List	Bares advised that for them to do data collection will be an extra fee
Tue, Sept 08, 2015	8:40 AM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Contact List	Walker stated she will work on, had worked on it on Wednesday, would have for Bares later that week
Tue, Sept 08, 2015	8:45 AM	llwalker@beavercountypa.gov	xxxxxx@thinkminc.com	Joe Spanik Golf Outing	Walker advised that she would forward the message to Spanik
Tue, Sept 08, 2015	11:32 AM	xxxxxx@thinkminc.com	llwalker@beavercountypa.gov	Joe Spanik Golf Outing	Taylor advised that she had already spoken to Spanik and that it was ok for the participant to pick up signs.
Tue, Sept 08, 2015	11:38 AM	llwalker@beavercountypa.gov	xxxxxx@thinkminc.com	Joe Spanik Golf Outing	Walker advised that Spanik had told her
Thu, Sept 17, 2015	9:14 AM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Updates	Walker informed Bares she would attempt to get Bares updates by the end of day tomorrow
Thu, Sept 17, 2015	9:33 AM	kelly@creativevisions.us	llwalker@beavercountypa.gov	Updates	Bares indicated she would look for it, thanked Walker for update and help
Thu, Sept 17, 2015	10:10 AM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Updates	Walker indicated Bares was welcome
Fri, Sept 18, 2015	3:11 PM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Contact List-JS-8-31-15_.xlsx	Walker documented her addition of several emails and marked some duplicates; advised she would work on more next week
Fri, Sept 18, 2015	4:13 PM	xxxxxx@creativevisions.us	llwalker@beavercountypa.gov	Contact List-JS-8-31-15_.xlsx	Bares thanked Walker
Wed, Sept 30, 2015	12:21 PM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	List	Walker sent list in email that Walker and Bares had talked about that morning
Wed, Sept 30, 2015	4:10 PM	xxxxxx@creativevisions.us	llwalker@beavercountypa.gov	List	Bares noted attachment of latest list she had; references same one Walker had sent on 09/18/15 with no changes made; specified that Bares cannot collect addresses because they are not getting paid for such
Wed, Sept 30, 2015	4:12 PM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	List	Walker confirmed that she will make updates and email them to Bares
Fri, Oct 09, 2015	11:58 AM	llwalker@beavercountypa.gov	xxxxxx@creativevisions.us	Copy of Contact List - JS-8-31-15_2.xlsx	Walker noted an updated date of 10/9/15

a. [Email address redacted] was an email account assigned to Taylor.

1. Minc is a media relations/marketing company owned by Taylor which was created in the fall of 2015 as a result of Creative Visions ceasing operations.
- b. [Email address redacted] was the email account assigned to Kelly Bares, Graphic Designer for Creative Visions.
 1. Bares was employed with Picture This Media Group upon Creative Visions becoming non-operational.

Date/Day	Time	From	To	Subject	Message (Summary)
Tue, 2015 Oct 20,	12:00PM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	Address	Walker provided six addresses Ronczka needed; advised she still needed to find one more
Tue, 2015 Oct 20,	12:18 PM	xxxxxx@wdwright.com	llwalker@beavercountypa.gov	Address	Ronzcka thanked Walker and informed Walker that she may have more addresses tomorrow
Tue, 2015 Oct 20,	1:04 PM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	Address	Walker replied that Ronczka was welcome
Tue, 2015 Oct 20,	2:29 PM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	Address	Walker provided Ronczka another address
Tue, 2015 Oct 20,	4:20 PM	xxxxxx@wdwright.com	llwalker@beavercountypa.gov	Address	Ronzcka sent thank you to Walker
Tue, 2015 Oct 20,	4:20 PM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	Address	Walker replied that Ronczka was welcome
Wed, 2015 Oct 21,	10:16 AM	xxxxxx@wdwright.com	llwalker@beavercountypa.gov	Addresses Needed	Ronzcka provided Walker a list of multiple donors for which she needed addresses
Wed, 2015 Oct 21,	10:19 AM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	Addresses Needed	Walker replied that it would take a little time but that she would get them to Ronczka asap
Thu, 2015 Oct 22,	9:24 AM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	pamaddressoct2015.docx	Walker apologized for forgetting to send the email yesterday; advised she needed to get six more addresses and would get them that morning
Thu, 2015 Oct 22,	9:42 AM	xxxxxx@wdwright.com	llwalker@beavercountypa.gov	pamaddressoct2015.docx	Ronzcka thanked Walker and advised that she had one of the addresses Walker was to get
Thu, 2015 Oct 22,	10:14 AM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	pamaddressoct2015.docx	Walker provided three addresses; advised she couldn't find one; and had two more to do
Thu, 2015 Oct 22,	10:18 AM	xxxxxx@wdwright.com	llwalker@beavercountypa.gov	pamaddressoct2015.docx	Ronzcka thanked Walker and questioned if Spanik recalled the one that Walker couldn't find
Thu, 2015 Oct 22,	10:18 AM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	pamaddressoct2015.docx	Walker responded that Spanik did not
Thu, 2015 Oct 22,	1:09 PM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	pamaddressoct2015.docx	Walker provided an additional address
Thu, 2015 Oct 22,	1:26 PM	xxxxxx@wdwright.com	llwalker@beavercountypa.gov	pamaddressoct2015.docx	Ronzcka thanked Walker and identified only one more address needed
Thu, 2015 Oct 22,	1:26 PM	llwalker@beavercountypa.gov	xxxxxx@wdwright.com	pamaddressoct2015.docx	Walker stated that she was working on it

- c. [Email address redacted] was the email account utilized by Ronczka.
 - 1. Ronczka served as the Treasurer for Spanik's Campaign Committee.

THE FOLLOWING FINDINGS RELATE TO ALLEGATIONS THAT SPANIK UTILIZED COUNTY RESOURCES FOR CAMPAIGN/RE-ELECTION EFFORTS WHEN HE UTILIZED COUNTY PERSONNEL TO NOTARIZE CAMPAIGN FINANCE REPORTS FOR HIS CANDIDATE FILINGS AS WELL AS FOR HIS CAMPAIGN COMMITTEE.

- 51. Spanik authorized the operation of the Campaign Committee (Friends for Joe Spanik) on his behalf in relation to his campaign/re-election efforts spanning the years of at least 2012 through 2015.
 - a. Ronczka, Spanik's niece, served as the Treasurer for the Campaign Committee from 2012 through 2015.
- 52. Ronczka completed the required CFRs for the Campaign Committee as the Campaign Committee Treasurer.
 - a. Ronczka signed the reports as the Campaign Committee Treasurer upon completion.
 - b. Spanik picked up the reports at Ronczka's residence upon completion.
- 53. Spanik subsequently brought the Campaign Committee CFRs as well as his candidate Campaign Finance Statements ("CFs") to the County Courthouse to be notarized and subsequently filed with the County Elections Bureau.
 - a. From at least 2012 through 2015, Spanik's candidate CFs consistently verified no individual receipt of, expenditure of, or liabilities incurred in excess of \$250.00.
 - 1. Spanik's CFs consistently identified a \$0.00 cash balance at the end of each reporting period.
 - 2. Spanik's CFs consistently identified \$0.00 in outstanding debts or liabilities at the end of each reporting period.
- 54. From at least 2012 through 2015, Spanik consistently presented his CFRs and CFs to County employees and/or representatives within the County Courthouse to be notarized as detailed below:
 - a. CFRs:

Address	Report Type	Date Notarized	Notary	Spanik Sign	Spanik Contact No.
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2011 Annual Report	01/30/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Primary	04/13/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Primary	05/24/2012	EC	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/26/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Election	12/06/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2012 Annual Report	01/30/2013	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Primary	05/09/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Primary	06/20/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/24/2013	TP	Yes	724-770-4402

Address	Report Type	Date Notarized	Notary	Spanik Sign	Spanik Contact No.
3339 Brodhead Rd, Aliquippa, PA 15001	30 Day Post-Election	12/04/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2013 Annual Report	01/31/2014	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Primary	05/09/2014	SH	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	30 Day Post-Primary	06/19/2014	SH	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/24/2014	SH	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	30 Day Post-Election	12/03/2014	KD	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	2014 Annual Report	02/02/2015	SH	Yes	724-770-4402
2009 Golfway Rd, Aliquippa, PA 15001	2 nd Friday Pre-Primary	05/07/2015	TP	Yes	724-770-4402
2009 Golfway Rd, Aliquippa, PA 15001	30 Day Post-Primary	06/18/2015	TP	Yes	724-770-4402
2009 Golfway Rd, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/23/2015	SH	Yes	724-770-4402
2009 Golfway Rd, Aliquippa, PA 15001	30 Day Post-Election	12/02/2015	SH	Yes	724-770-4402

KEY:

- TP = Tracey Patton (County Chief Clerk/Administrative Assistant/Confidential Secretary)
- EC = Esther Cullen (County Deputy Prothonotary)
- SH = Stacey Householder (County Solicitor's Office, Paralegal)
- KD = Karen Duncan (County Deputy Prothonotary)
- RS = Randy Simmons (Vanport Township Notary Public)

1. All dates on which Spanik's Campaign Committee CFRs were notarized were regular workdays for County employees/representatives.
2. Spanik signed all 20 CFRs presented to be notarized.
3. Although licensed notaries, neither Patton nor Householder provide notary services to the general public.

b. CFSs:

Address	Report Type	Date Notarized	Notary	Spanik Sign	Spanik Contact No.
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2011 Annual Report	01/30/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Primary	04/13/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Primary	05/24/2012	EC	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/26/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Election	12/06/2012	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2012 Annual Report	01/30/2013	TP	Yes	724-728-3934
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Primary	05/09/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Primary	06/20/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/24/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	30 Day Post-Election	12/04/2013	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2013 Annual Report	01/31/2014	TP	Yes	724-770-4402
3339 Brodhead Rd, Apt J, Aliquippa, PA 15001	2 nd Friday Pre-Primary	05/09/2014	SH	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	30 Day Post-Primary	06/19/2014	SH	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	2 nd Friday Pre-Election	10/24/2014	SH	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	30 Day Post-Election	12/03/2014	KD	Yes	724-770-4402
2009 Golfway Dr, Aliquippa, PA 15001	2014 Annual Report	02/02/2015	SH	Yes	724-770-4402
2009 Golfway Rd, Aliquippa, PA 15001	2 nd Friday Pre-Primary	05/07/2015	TP	Yes	724-770-4402

Address	Report Type	Date Notarized	Notary	Spanik Sign	Spanik Contact No.
2009 Golfway Rd. Aliquippa, PA 15001	30 Day Post-Primary	06/18/2015	TP	Yes	724-770-4402
2009 Golfway Rd. Aliquippa, PA 15001	2 nd Friday Pre-Election	10/23/2015	SH	Yes	724-770-4402
2009 Golfway Rd. Aliquippa, PA 15001	30 Day Post-Election	12/02/2015	SH	Yes	724-770-4402

KEY

TP = Tracey Patton (County Chief Clerk/Administrative Assistant/Confidential Secretary)
EC = Esther Cullen (County Deputy Prothonotary)
SH = Stacey Householder (County Solicitor's Office, Paralegal)
KD = Karen Duncan (County Deputy Prothonotary)

1. All dates on which Spanik's [CFSs] were notarized were regular workdays for County employees/representatives.
 2. Spanik signed all 20 CFSs presented to be notarized.
 3. Although licensed notaries, neither Patton nor Householder provide notary services to the general public.
55. Fees which may be charged by licensed notaries within the Commonwealth of Pennsylvania are detailed under a Pennsylvania Notary Public Fee Schedule.
- a. The fee schedule identifies fees which may be charged for various notary services including, but not limited to, fees for executing affidavits.
 1. The current fee schedule for executing affidavits (regardless of the number of signatures) is \$5.00.
56. Spanik utilized County employees and/or representatives to notarize a minimum of eighteen of his Campaign Committee CFRs as well as eighteen of his candidate CFSs during the time frame of January 2012 through December 2015, which resulted in a financial gain to Spanik in the approximate amount of \$180.00.
- a. The value of the free notary services Spanik received was approximately \$180.00 (\$5.00 fee multiplied by 36 documents equals \$180.00).
 - b. Spanik was not charged a fee by the County employees/representatives for the notary services.
57. Spanik maintained a campaign account with West Aircomm Federal Credit Union in the name of Friends For Joe Spanik in association with campaign donations, expenses, etc.
- a. Spanik and Ronczka were the only authorized signatories on the account.
 - b. Checks written on the account required the signatures of both Spanik and Ronczka.
58. Spanik maintained custody over the account and the checkbooks/blank checks associated with the account.
- a. Ronczka routinely signed a book of blank checks which Spanik maintained for distribution at his discretion.
 1. Ronczka signed additional books of blank checks for Spanik as Spanik's supply of pre-signed checks ran low.
 - b. Spanik personally wrote the checks to be issued from his campaign account for campaign-related expenses, donations to entities, etc.

59. Included among checks written and issued by Spanik for campaign expenses were checks payable to Walker for services Walker provided related to campaign/fundraising events (e.g. dinners, golf outings) throughout the applicable year which were labeled/identified as "campaign work."
- a. Spanik also issued Walker payment at times in cash for events at which she provided services.
 1. The amount of cash payments Walker received could not be identified.
 - b. The payments for Walker's participation in the campaign/fundraising events routinely occurred contemporaneous to Walker's birthday and/or Christmas.
60. Spanik's CFRs document payments received by Walker from Spanik's Campaign Committee account spanning the years 2012 through 2015 as follows:

Check Number*	Check Date	Check Amount	CFR Description
1155	12/16/2012	\$100.00	Campaign Work
1260	07/01/2013	\$200.00	Campaign Work
1359	12/16/2013	\$100.00	Campaign Work
1593	12/19/2014	\$150.00	Campaign Expense
1867	12/09/2015	\$500.00	Campaign Expenses
TOTAL		\$1,050.00	

*Checks identified do not include reimbursement checks issued to Walker for Walker's personal purchase of campaign-related materials, etc.

61. From 2011 through 2015 Walker performed secretarial services relating to campaign/fundraising activities/efforts for Spanik on multiple occasions annually while in the County Commissioners Office and/or on County time via use of County resources including, but not limited to, the following:
- a. Fielding campaign-related telephone calls while on County time;
 1. Spanik provided his and/or Walker's County Commissioners Office landline telephone extensions as contact points to various vendors/businesses.
 - b. Assisting businesses and/or Spanik's Campaign Committee with contact lists, addresses, event planning, etc., while on County time;
 - c. Saving documents, literature, etc., to the County network via Walker's County computer while on County time;
 - d. Utilizing the County email system to forward campaign/fundraising emails, documents, literature, etc., from her County email address to Spanik's County email address and/or to Spanik's Campaign Committee address while on County time;
 - e. Utilizing her County-assigned desktop computer to generate campaign/fundraising-related documents, literature, etc., while on County time; and
 - f. Utilizing a County printer in the County Commissioners Office to print various campaign/fundraising-related documents, literature, emails, etc., while on County time and presenting such items to Spanik.
62. Walker's hourly rate as a County employee during the years she was completing campaign-related matters for Spanik was as follows:

2011: \$20.34
2012: \$20.34
2013: \$24.09
2014: \$24.82
2015: \$25.56

63. Walker utilized a minimum of approximately seventeen and one-third hours of County time spanning the time frame of June 2011 through August 2015 during which she performed campaign/fundraising-related secretarial services for Spanik valued at a minimum of \$415.63.

a. Campaign/fundraising-related documents present in Walker's network files documented total edit times as detailed below:

Title	Number of Revisions	Total Edit Time (Minutes)	Average Edit Time (Minutes)	Minimum Revisions 2011-2015	County Time Assessed (Minutes)*
2011townchairs	2	67	33.5	1	34
Dear Friends and Supporters	1	31	31	1	31
Hole1	1	16	16	1	16
Document1	0	0	0	0	0
2010 COMMITTEE LIST	6	39	6.5	1	7
new list	2	128	64	2	128
September 11 Spanik	1	43	43	1	43
joejune12	24	324	13.5	24	324
mark Elder	1	40	40	1	40
Golflabels2013	2	70	35	2	70
HOLE	7	274	39	3	117
GOLF RULES2008	8	55	7	3	21
CHARLIE	1	0	0	0	0
number 2	1	24	24	1	24
number 1	3	18	6	3	18
TAJS	4	10	2.5	4	10
Golf Committee.2007doc	16	156	9.75	4	39
Golf Committee.2015doc	2	1	0.5	2	1
Golfcommitteelabels2013	2	1	0.5	2	1
Golf Committee	0	0	0	0	0
golfmeeting	1	40	40	1	40
Joe Spanik is serving...	1	21	21	1	21
joelist72815	3	55	18.33	3	55
Total					1,040

* Average edit time rounded to nearest minute for County time assessed.

1. Minimum revisions during the 2011–2015 time period were determined by identifying the creation date in comparison with the modification date.

aa. Minimum revisions for documents with creation dates pre-dating 2011 were assigned a revision number of one per year from the last modification date dating back to 2012.

b. Total edit times per year carried a minimum value as detailed below:

Year	Time (minutes)^	Time (hours)	Walker's Hourly Wage	Financial Value~
2011	81	1.35	\$20.34	\$27.46

2012	56	0.93	\$20.94	\$19.47
2013	557	9.28	\$24.09	\$223.56
2014	190	3.17	\$24.82	\$78.68
2015	156	2.6	\$25.56	\$66.46
Total	1,040	17.3*		\$415.63

^Rounded to nearest minute

*Rounded to nearest tenth

~Rounded to nearest cent

III. DISCUSSION:

As a County Commissioner for Beaver County ("County"), Pennsylvania, from January 5, 2004, to January 3, 2016, Respondent Joseph G. Spanik, hereinafter also referred to as "Respondent," "Respondent Spanik," and "Spanik," was a public official subject to the provisions of the Public Official and Employee Ethics Act ("Ethics Act"), 65 Pa.C.S. § 1101 et seq.

The allegations are as follows:

1. A violation of Section 1103(a) of the Ethics Act occurred when Spanik, pursuant to the authority of his office, utilized property and resources belonging to Beaver County for private pecuniary benefit, including but not limited to: use of County employee(s), material(s), equipment, and/or office space, for political (non-governmental) purposes, in furtherance of political fundraising events associated with his re-election bids;
2. A violation of Section 1105(b)(3) of the Ethics Act occurred when Spanik failed to complete/disclose any direct or indirect interest in any real estate which was sold or leased to the Commonwealth, any of its agencies or political subdivisions or purchased or leased from the Commonwealth, any of its agencies or political subdivisions or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or political subdivisions, upon Statements of Financial Interests filed for the 2011 and 2012 calendar years;
3. A violation of Section 1105(b)(5) of the Ethics Act occurred when Spanik failed to complete/disclose the name and address of any direct or indirect source of income totaling in the aggregate \$1,300 or more, to wit income received from Beaver County, upon a Statement of Financial Interests filed for the 2015 calendar year;
4. A violation of Section 1105(a) of the Ethics Act occurred when Spanik failed to complete/disclose to the best of his knowledge, information and belief, all requisite information upon Statements of Financial Interests filed for the 2011, 2012, and/or 2015 calendar year(s); and
5. A violation of Section 1104(d) of the Ethics Act occurred when Spanik undertook the oath of office and/or entered/continued upon his duties, and continued to receive compensation from public funds, at a time when he did not maintain an accurate/complete Statement of Financial Interests as required by the Ethics Act.

Per the Consent Agreement, the Investigative Division has exercised its prosecutorial discretion to opt to not pursue (that is, nol pros) the alleged violations of Sections 1104(d), 1105(a), 1105(b)(3), and 1105(b)(5) of the Ethics Act. Based upon the nol pros, we need not address those allegations that are no longer before us.

Pursuant to Section 1103(a) of the Ethics Act, a public official/public employee is prohibited from engaging in conduct that constitutes a conflict of interest:

§ 1103. Restricted activities

(a) **Conflict of interest.**—No public official or public employee shall engage in conduct that constitutes a conflict of interest.

65 Pa.C.S. § 1103(a).

The term "conflict of interest" is defined in the Ethics Act as follows:

§ 1102. Definitions

"Conflict" or "conflict of interest." Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated.

65 Pa.C.S. § 1102.

Section 1103(a) of the Ethics Act prohibits a public official/public employee from using the authority of public office/employment or confidential information received by holding such a public position for the private pecuniary benefit of the public official/public employee himself, any member of his immediate family, or a business with which he or a member of his immediate family is associated.

As noted above, the parties have submitted a Consent Agreement and Stipulation of Findings. The parties' Stipulated Findings are set forth above as the Findings of this Commission. We shall now summarize the relevant facts as contained therein.

Spanik served as a County Commissioner ("Commissioner") from January 5, 2004, to January 3, 2016. Spanik was re-elected as a Commissioner in 2007 and 2011. Spanik ran for re-election in 2015, but he was defeated in the November 2015 general election.

The County is governed by a three-Member Board of Commissioners. The County Commissioners Office ("Commissioners Office") is located on the first floor of the County Courthouse. The Commissioners Office is composed, in pertinent part, of a communal open area and separate private offices for each of the three Commissioners. Work stations for individuals employed in the position of administrative assistant/confidential secretary are situated at various locations in the communal open area. Each administrative assistant/confidential secretary working in the Commissioners Office is assigned an individual telephone/extension, a desktop computer, internet access, a County email address, and access to the County IT network system ("County Network").

Three administrative assistant/confidential secretary positions existed concurrently within the Commissioners Office during Spanik's tenure as a Commissioner. Each administrative assistant/confidential secretary served as a general administrative assistant for the Commissioners Office as well as a confidential secretary for one of the three

Commissioners. Lisa Walker ("Walker") served as Spanik's administrative assistant/confidential secretary throughout his tenure as a Commissioner. From 2011 through 2015, Walker was assigned or had access to a County landline telephone, a County email address, at least two separate desktop computers, and a private file on the County Network.

Shortly after Spanik took office as a Commissioner, he began using Walker to assist with his campaigns for re-election. Spanik requested Walker's assistance while in the County Courthouse. As Spanik's administrative assistant/confidential secretary, Walker felt obligated to assist Spanik with his campaign/re-election efforts. Spanik's re-election as a Commissioner provided "job security" for Walker as newly-elected Commissioners were not obligated to retain the existing administrative assistants/confidential secretaries in the County Commissioners Office upon taking office.

From at least February 2007 through December 2015, Spanik utilized the services of a campaign committee, "Friends for Joe Spanik" (the "Campaign Committee"), to support his political campaign efforts. The Campaign Committee was composed of a group of individuals, including Walker, who participated in Spanik's campaign/re-election efforts. In 2009, Walker began serving as the Secretary for the Campaign Committee. Walker's services to the Campaign Committee included, but were not limited to, generating letters, mailing letters, making telephone calls, sending and receiving emails and text messages, working at fundraising events, tracking fundraising event information, and the like. Walker provided her personal cellular telephone number and personal email address to members of the Campaign Committee as contact points.

Spanik provided Walker with his personal laptop computer for her to use in the performance of campaign/fundraising-related work. Walker utilized Spanik's personal laptop computer for campaign/fundraising purposes both at her home and at the County Commissioners Office. Walker provided Spanik with work completed on his personal laptop computer via various mediums, including email and portable USB drive.

Between 2011 and 2015, Walker performed campaign/fundraising activities for Spanik using County resources on County time. Walker emailed campaign/fundraising-related information from Spanik's personal laptop computer to her County email address for Spanik to review. Even though Walker had informed various individuals associated with Spanik's campaign/fundraising efforts to utilize her personal Yahoo email account, she received campaign/fundraising-related emails at her County email address from outside sources. Walker routinely opened campaign/fundraising emails on her County computer during regular County work hours. Walker forwarded various campaign/fundraising emails to Spanik's County email address or printed them on the County printer for Spanik to review. Walker forwarded a significant number of campaign/fundraising emails received at her County email address from outside sources to her personal email address or the email address for the Campaign Committee. The total number of campaign/fundraising emails that Walker received, forwarded, or printed via use of County resources and the amount of County time used in relation to such emails could not be determined.

During her County work hours, Walker used County telephones to receive and make calls related to Spanik's re-election campaign. Walker received campaign/fundraising-related calls on her personal cellular telephone as well as her County landline telephone while in the County Commissioners Office. Walker routinely informed the callers of her need to return the call while on her break or lunch period or provided the callers with contact information of another Campaign Committee member.

Walker saved multiple documents relating to Spanik's campaign/fundraising efforts to her private file on the County Network between 2011 and 2015. At times, Walker generated or modified campaign/fundraising-related documents while in the County Commissioners Office and saved them to the County Network. Walker typically completed these campaign/fundraising-related tasks while on her lunch or break periods, and she primarily used Spanik's personal laptop computer in a vacant office within the County

Commissioners Office. From July 2011 through August 2015, a minimum of twenty-three campaign/fundraising documents were saved to the County Network.

At times, Spanik directed Walker to generate campaign/fundraising-related documents during her regular work hours in the County Commissioners Office. Walker prepared various campaign/fundraising-related documents at Spanik's direction via use of County resources, including computers.

In 2015, Spanik purchased and maintained a cellular telephone ("Campaign Cell Phone") in association with his campaign/fundraising efforts. Spanik placed a voice mail message on his County-issued cellular telephone ("County Cell Phone") advising callers to contact a separate number if the reason for the call to Spanik was campaign-related. Spanik continued to use his County landline and County Cell Phone numbers as points of contact after purchasing the Campaign Cell Phone.

Spanik or the Campaign Committee routinely sponsored or scheduled at least one major fundraising dinner event or golf outing per calendar year. The organization of golf outings was accomplished with the assistance of a Golf Committee that primarily consisted of a small group of individuals involved with the Campaign Committee. In 2014, Spanik utilized Walker's direct dial County telephone number in the County Commissioners Office as a point of contact for Golf Committee members to indicate whether they would be attending a meeting of the Golf Committee.

During the time frame of July 2011 through December 2015, Spanik or the Campaign Committee sponsored a minimum of five separate fundraisers for Spanik's campaign efforts. Spanik primarily arranged the scheduling of these events, and the telephone number for his County Cell Phone was utilized as a point of contact for the scheduling or booking of some of these events. Spanik's County Cell Phone number was on file with the Beaver County Country Club as a contact number for Spanik for golf outings in 2012 and 2015. Spanik's County Cell Phone number and his County email address were initially on file as points of contact for Spanik with regard to a dinner event at the Seven Oaks Country Club in 2013. Spanik's County Cell Phone number was also on file with The Fez as a contact number for Spanik for a dinner event in 2015.

In 2015, Spanik utilized Creative Visions Media Services ("Creative Visions"), a marketing/strategic planning company, to manage his 2015 golf outing fundraiser and develop, organize, and manage campaign postcard mailings for the primary election. Upon contracting with Creative Visions in 2015, Spanik informed Amy Taylor ("Taylor") of Creative Visions that separation was required between his re-election efforts and his position as a Commissioner. Creative Visions had Spanik's and Walker's County contact information, including telephone numbers and email addresses, as a result of the initial meeting between Spanik and Taylor. Spanik provided Creative Visions with his personal cell phone number and the Campaign Committee email address as contact points for campaign/fundraising-related matters, and he advised Creative Visions representatives to avoid utilizing his County contact points for campaign-related issues. Although provided with personal or non-County related contact points, Creative Visions utilized Spanik's County contact points for issues requiring immediate attention, such as if a proof nearing a print deadline required approval. Spanik also retained Picture This Media Group to provide graphic design services for the layout and design of a campaign mailer and voter letter regarding the 2015 general election. A minimum of thirty-six email transmissions related to campaign/fundraising events occurred between Walker's County email account and email accounts for representatives of Creative Visions, Picture This Media Group, or the Campaign Committee.

The parties have stipulated that during the time frame of June 2011 through August 2015, Walker utilized a minimum of approximately seventeen and one-third hours of County time to perform campaign/fundraising-related secretarial services for Spanik that were valued at a minimum of \$415.63. See, Fact Findings 62, 63.

From 2012 through 2015, Pamela Ronczka ("Ronczka") served as the Treasurer for the Campaign Committee, in which capacity she completed the required Campaign Finance Reports ("CFRs") for the Campaign Committee. Spanik took the Campaign Committee CFRs completed by Ronczka and his candidate Campaign Finance Statements ("CFSs") to the County Courthouse to be notarized and filed with the County Elections Bureau.

From January 2012 through December 2015, Spanik utilized County employees or representatives within the County Courthouse to notarize a minimum of eighteen of the Campaign Committee CFRs and eighteen of his candidate CFSs. The County employees and representatives did not charge Spanik a fee for their notary services. Under the Pennsylvania Notary Public Fee Schedule, the fee that a licensed notary may charge for executing an affidavit is currently \$5.00. The parties have stipulated that the value of the free notary services received by Spanik was approximately \$180.00, based upon a fee of \$5.00 for each CFR and CFS notarized.

Having highlighted the Stipulated Findings and issues before us, we shall now apply the Ethics Act to determine the proper disposition of this case.

The parties' Consent Agreement sets forth a proposed resolution of the allegations as follows:

3. [T]he Investigative Division will recommend the following in relation to the above allegations:
 - a. That a violation of Section 1103(a) of the Public Official and Employee Ethics Act, 65 Pa.C.S. § 1103(a), occurred when Spanik utilized the authority of his public position/office to facilitate and advance his re-election campaign efforts, by utilizing County provided personnel, equipment, time, and resources.
 - b. The Investigative Division has conducted a comprehensive investigation and review of the allegations [under Sections 1104(d), 1105(a), 1105(b)(3), and 1105(b)(5) of the Ethics Act]. After said investigation and review, the Investigative Division has elected to not pursue the remaining allegations. The Investigative Division and Respondent have agreed to submit the instant Consent Agreement and Stipulation of Findings in settlement of the matter.
4. In full and final settlement of the alleged violations, Spanik agrees to make payment in the amount of \$1,000.00 (the "Settlement Amount") as provided in the following paragraphs:
 - a. \$750.00 payable to Beaver County and forwarded to the Pennsylvania State Ethics Commission within thirty (30) days of issuance of the final adjudication in this matter representing payment of the violations contained in paragraph 3 of this Consent Agreement.
 - b. \$250.00 payable to the Pennsylvania State Ethics Commission and forwarded to the same within thirty (30) days of the issuance of the final adjudication in this matter representing a portion

of the costs incurred by the Commission in the investigation and enforcement of this matter.

5. As part of the negotiated Consent Agreement, and in conjunction with paragraph 3(b) above, Spanik agrees to file complete and accurate amended Statements of Financial Interests with the County of Beaver through the Pennsylvania State Ethics Commission, for the 2011, 2012, and 2015 calendar years within thirty (30) days of the issuance of the final adjudication in this matter.
6. Spanik agrees to not accept any reimbursement, compensation or other payment from the County of Beaver representing a full or partial reimbursement of the amount paid in settlement of this matter.
7. The Investigative Division shall recommend that the State Ethics Commission take no further action in this matter; and shall make no specific recommendations to any law enforcement or other authority to take action in this matter. Such, however, does not prohibit the Commission from initiating appropriate enforcement actions in the event of Respondent's failure to comply with this agreement or the Commission's order or cooperating with any other authority who may so choose to review this matter further.

Consent Agreement, at 2-3.

In considering the Consent Agreement, we accept the parties' recommendation for a finding that a violation of Section 1103(a) of the Ethics Act occurred when Spanik utilized the authority of his public position/office to facilitate and advance his re-election campaign efforts, by utilizing County-provided personnel, equipment, time, and resources.

Spanik used the authority of his public position as a Commissioner when he used Walker, his administrative assistant/confidential secretary in the Commissioners Office, and other County resources to assist with his re-election campaigns. Between 2011 and 2015, Walker performed various campaign/fundraising activities for Spanik using County resources and County time, including but not limited to: (1) emailing campaign/fundraising-related information to her County email address for Spanik to review; (2) receiving campaign/fundraising-related emails at her County email address from outside sources and forwarding various campaign/fundraising emails to Spanik's County email address or printing them on the County printer for Spanik to review; (3) using County telephones to receive and make calls related to Spanik's re-election campaign during her County work hours; and (4) saving multiple documents relating to Spanik's campaign/fundraising efforts to her private file on the County Network. At times, Spanik directed Walker to generate campaign/fundraising-related documents during her regular County work hours. Walker prepared various campaign/fundraising-related documents at Spanik's direction via use of County resources, including computers. In addition to using Walker's secretarial services, Spanik used his County landline telephone and County Cell Phone numbers and his County email address as points of contact for various fundraising events. The parties have stipulated that during the time frame of June 2011 through August 2015, Walker utilized a minimum of approximately seventeen and one-third hours of County time to perform campaign/fundraising-related secretarial services for Spanik that were valued at a minimum of \$415.63.

From January 2012 through December 2015, Spanik utilized County employees or representatives to notarize a minimum of eighteen Campaign Committee CFRs and eighteen of his candidate CFSs at no charge. The parties have stipulated that the value of the free notary services received by Spanik was approximately \$180.00.

Although the Stipulated Findings do not quantify the total amount of the private pecuniary benefit realized by Spanik as a result of using County personnel and resources in connection with his re-election campaigns, based upon the Consent Agreement, it appears that the parties are in agreement that such private pecuniary benefit was greater than de minimis.

Based upon the Stipulated Findings and the Consent Agreement, we hold that a violation of Section 1103(a) of the Ethics Act, 65 Pa.C.S. § 1103(a), occurred when Spanik utilized the authority of his public position/office to facilitate and advance his re-election campaign efforts, by utilizing County-provided personnel, equipment, time, and resources.

As part of the Consent Agreement, Spanik has agreed to make payment in the total amount of \$1,000.00 in settlement of this matter as follows. Spanik has agreed to make payment in the amount of \$750.00 payable to Beaver County and forwarded to this Commission within thirty (30) days of the issuance of the final adjudication in this matter. Spanik has agreed to make payment of \$250.00 payable to the Pennsylvania State Ethics Commission, representing a portion of the costs incurred by the Commission in the investigation and enforcement of this matter, with such payment to be forwarded to this Commission within thirty (30) days of the issuance of the final adjudication in this matter. Spanik has further agreed to not accept any reimbursement, compensation or other payment from the County representing a full or partial reimbursement of the amount paid in settlement of this matter. Finally, Spanik has agreed to file complete and accurate amended SFIs for calendar years 2011, 2012, and 2015 with the County, through this Commission, within thirty (30) days of the issuance of the final adjudication in this matter. We agree that the aforesaid recommendations are appropriate, including the recommendation that Spanik file complete and accurate amended SFIs for calendar years 2011, 2012, and 2015, notwithstanding the nol pros as to the Section 1105(a) and Section 1105(b) allegations.

Accordingly, per the Consent Agreement of the parties, Spanik is directed to make payment in the amount of \$750.00 payable to Beaver County and forwarded to this Commission by no later than the thirtieth (30th) day after the mailing date of this adjudication and Order.

Per the Consent Agreement of the parties, Spanik is directed to make payment in the amount of \$250.00 payable to the Pennsylvania State Ethics Commission, representing a portion of the costs incurred by the Commission in the investigation and enforcement of this matter, with such payment forwarded to this Commission by no later than the thirtieth (30th) day after the mailing date of this adjudication and Order.

Per the Consent Agreement of the parties, Spanik is directed to not accept any reimbursement, compensation or other payment from the County representing a full or partial reimbursement of the amount paid in settlement of this matter.

To the extent he has not already done so, Spanik is directed to file complete and accurate amended SFIs for the 2011, 2012, and 2015 calendar years with the County, through this Commission, by no later than the thirtieth (30th) day after the mailing date of this adjudication and Order.

Compliance with the foregoing will result in the closing of this case with no further action by this Commission. Noncompliance will result in the institution of an order enforcement action.

IV. CONCLUSIONS OF LAW:

1. As a County Commissioner for Beaver County ("County"), Pennsylvania, from January 5, 2004, to January 3, 2016, Respondent Joseph G. Spanik ("Spanik") was

a public official subject to the provisions of the Public Official and Employee Ethics Act ("Ethics Act"), 65 Pa.C.S. § 1101 et seq.

2. Spanik violated Section 1103(a) of the Ethics Act, 65 Pa.C.S. § 1103(a), when he utilized the authority of his public position/office to facilitate and advance his re-election campaign efforts, by utilizing County-provided personnel, equipment, time, and resources.